



State and Local Encroachment Management Policies and Regulations for NAVAL AIR STATION WHIDBEY ISLAND, AULT FIELD AND OUTLYING LANDING FIELD COUPEVILLE

March 2021



Introduction

This report compiles State and local policies and regulations that have been implemented to protect public health and safety and maintain the viability of Naval Air Station Whidbey Island's mission and the ability to evolve and adapt mission requirements as necessary to meet current and future needs.

Communication and collaboration at all levels of government are key principles of the AICUZ Program and help ensure compatibility between the military mission, public safety, and economic development.

The excerpts included here are current as of March 2021. The original documents and any updates since March 2021 are available online via the links listed below.

- **Washington Growth Management Act (Revised Code of Washington [RCW])**
Chapter 36.70A RCW: <https://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A>
Chapter 36.70B RCW: <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70B>
Chapter 36.70C RCW: <https://app.leg.wa.gov/RCW/default.aspx?cite=36.70C>
- **Island County Code:**
https://library.municode.com/wa/island_county/codes/code_of_ordinances
- **City of Oak Harbor Municipal Code:** <https://www.codepublishing.com/WA/OakHarbor/>
- **Island County Comprehensive Plan:**
<https://www.islandcountywa.gov/Planning/Pages/compplan.aspx>
- **Island County AICUZ Noise Zones Map:**
<https://www.islandcountywa.gov/maps/Pages/Prints.aspx>
- **City of Oak Harbor Comprehensive Plan:** <https://www.oakharbor.org/dev/page/maps-and-adopted-plans>

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RCW 36.70A.530

Land use development incompatible with military installation not allowed— Revision of comprehensive plans and development regulations.

(1) Military installations are of particular importance to the economic health of the state of Washington and it is a priority of the state to protect the land surrounding our military installations from incompatible development.

(2) Comprehensive plans, amendments to comprehensive plans, development regulations, or amendments to development regulations adopted under this section shall be adopted or amended concurrent with the scheduled update provided in RCW 36.70A.130, except that counties and cities identified in *RCW 36.70A.130(4)(a) shall comply with this section on or before December 1, 2005, and shall thereafter comply with this section on a schedule consistent with *RCW 36.70A.130(4).

(3) A comprehensive plan, amendment to a plan, a development regulation or amendment to a development regulation, should not allow development in the vicinity of a military installation that is incompatible with the installation's ability to carry out its mission requirements. A city or county may find that an existing comprehensive plan or development regulations are compatible with the installation's ability to carry out its mission requirements.

(4) As part of the requirements of RCW 36.70A.070(1) each county and city planning under RCW 36.70A.040 that has a federal military installation, other than a reserve center, that employs one hundred or more personnel and is operated by the United States department of defense within or adjacent to its border, shall notify the commander of the military installation of the county's or city's intent to amend its comprehensive plan or development regulations to address lands adjacent to military installations to ensure those lands are protected from incompatible development.

(5)(a) The notice provided under subsection (4) of this section shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the adoption of a comprehensive plan or an amendment to a plan. The notice shall provide sixty days for a response from the commander. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed plan or amendment will not have any adverse effect on the operation of the installation.

(b) When a county or city intends to amend its development regulations to be consistent with the comprehensive plan elements addressed in (a) of this subsection, notice shall be provided to the commander of the military installation consistent with subsection (4) of this section. The notice shall request from the commander of the military installation a written recommendation and supporting facts relating to the use of land being considered in the amendment to the development regulations. The notice shall provide sixty days for a response from the commander to the requesting government. If the commander does not submit a response to such request within sixty days, the local government may presume that implementation of the proposed development regulation or amendment will not have any adverse effect on the operation of the installation.

[2004 c 28 § 2.]

NOTES:

***Reviser's note:** RCW 36.70A.130 was amended by 2020 c 113 § 1, deleting subsection (4).

Finding—2004 c 28: "The United States military is a vital component of the Washington state economy. The protection of military installations from incompatible development of land is essential to the health of Washington's economy and quality of life. Incompatible development of land close to a military installation reduces the ability of the military to complete its mission or to undertake new

missions, and increases its cost of operating. The department of defense evaluates continued utilization of military installations based upon their operating costs, their ability to carry out missions, and their ability to undertake new missions." [**2004 c 28 § 1.**]

Island County Code Chapter 9.44:
Airport and Aircraft Operations Noise Disclosure Ordinance

- **9.44.010 - Legislative intent.**

The Board of County Commissioners of Island County has considered, among other things, the character of the operations conducted and proposed to be conducted at airports within Island County, the current uses of surrounding property and the uses for which it is adaptable; the Board of County Commissioners finds:

- A. There exist airports within Island County whose operations may impact the health, safety and general welfare of the citizens of Island County.
- B. The purpose of this chapter is to protect the public health, safety and general welfare by providing for the full disclosure of the noise associated with the operation of aircraft from the existing airports.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

- **9.44.020 - Applicability.**

The noise disclosure statement set forth herein is applicable to all lands within the delineated areas set forth on airport environs map, and those maps that may be adopted by Island County in the future, a representation map of which is attached hereto and adopted by this reference.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

- **9.44.030 - Definitions.**

As used in this chapter, unless the context otherwise requires, the following definitions apply:

Airport means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

Airport environs map means those mapped areas which have been identified as being impacted by airport noise or aircraft operation.

Airport noise zone means those areas which have been identified as being significantly impacted by airport noise.

Day-night average sound level (LDN) means a basic measure for quantifying noise exposure, namely: the A-weighted sound level averaged over a twenty-four-hour time period, with a ten-decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

DBA means the unit of corrected noise level measured in accordance with the "A-weighting scale" which replicates the response characteristics of the ear.

Decibel means a unit for measuring the relative loudness of sound or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with one (1) for the faintest audible sound.

Person means any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee or their similar representative thereof.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

- **9.44.040 - Airport noise zones.**

Airport noise zones are hereby established as follows:

Airport noise zoneLdn values

265 to 75

3Greater than 75

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

- **9.44.050 - Disclosure statement.**

No person shall sell, lease, or offer for sale or lease any property within an airport environs mapped impacted areas unless the prospective buyer or lessee has been given notice substantially as follows: TO: The property at _____ is located within airport environs mapped impacted area. There are currently five (5) active airport facilities in Island County. The Oak Harbor Airpark, the South Whidbey Airpark, and the Camano Airpark are general aviation facilities and are identified on the attached map. Ault Field and OLF Coupeville are tactical military jet aircraft facilities and are also identified on the attached map. Both Ault Field and OLF Coupeville are used for field carrier landing practice (FCLP) purposes. Practice sessions are routinely scheduled during day and night periods.

Property in the vicinity of Ault Field and OLF Coupeville will routinely experience significant jet aircraft noise. As a result airport noise zones have been identified in the immediate area of Ault Field and OLF Coupeville. Jet aircraft noise is not, however, confined to the boundaries of these zones.

Additionally, the noise generated by the single flyover of a military jet may exceed the average noise level depicted by the airport noise zones and may exceed 100 DBA.

More specific information regarding airport operation and aircraft noise can be obtained by calling the Community Planning Liaison Office at NAS Whidbey Island and the Island County Planning and Community Development Department.

(Ord. C-32-92, May 11, 1992, vol. 34, p. 71)

City of Oak Harbor Zoning Regulations

19.50.010 Purpose.

(1) The aviation environs (AE) overlay zone is created with the following purposes:

- (a) To protect the public health, safety and welfare by regulating development and land use within noise-sensitive areas and accident potential zones;
- (b) To ensure compatibility between the Whidbey Island Naval Air Station at Ault Field and surrounding land uses;
- (c) To protect the air station from incompatible encroachment.

(2) The AE overlay zone shall serve as an overlay district that applies additional standards and requirements to properties located within an underlying zoning district. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply. (Ord. 1555 § 23, 2009).

19.50.020 Application of chapter provisions.

Within the AE overlay zone, any proposed new or modified use or structure is subject to the use restrictions, construction standards and disclosure requirements provided in this chapter. This chapter applies to all properties in the city located within the AE overlay zone.

(1) Permitted Uses. Land uses within the AE overlay zone shall be consistent with the underlying zoning district in which the proposal is located and with the land use restrictions identified in this chapter. For property only partially within the AE overlay zone, the land use restrictions in this chapter apply only to those portions within the boundaries of the AE overlay zone.

(2) Underlying Zoning District. Where more than one underlying zoning district applies to a particular property in the AE overlay zone, the provisions of this chapter shall apply only to the specific zoning district in which a particular portion of the property is located.

(3) Change of Use. For a proposed change of use to an existing structure, the provisions of this chapter apply to the entire existing structure if the change of use results in an increase in the density of people per acre or if the use of the existing structure is changed to one or more allowed uses requiring noise attenuation.

(4) Nonconforming Uses. Nothing contained in this chapter affects existing structures or the right to continue uses already established before the effective date of these regulations, nor do these regulations preclude any reasonable repairs to or alterations of buildings or properties used for such existing uses, subject to the nonconforming use provisions contained in this title.

(5) For the purposes of this chapter, the provisions herein shall apply to properties annexed into the city that are located inside the AE overlay zone. (Ord. 1555 § 23, 2009).

19.50.030 Definitions.

The following definitions shall apply to this chapter. In addition, the definitions set forth in Chapter [17.30](#) OHMC concerning attenuation standards for noise, as now in effect or as hereafter adopted, shall also apply to this chapter.

- (1) “Accident potential zones (APZs)” means areas delineated as having measurable potential for aircraft accidents based on historical accident and operations data throughout the military.
- (2) “Air Installation Compatible Use Zones (AICUZ) Study” means a study prepared by the United States Department of Defense for Ault Field at NAS Whidbey Island that analyzes various airfield planning parameters related to aircraft operations, noise and safety and provides recommendations that can be used to further promote compatible land use surrounding Ault Field.
- (3) “Floor area ratio (FAR)” means the ratio between the square feet of gross floor area of the building and the site area. The FAR is customarily used to measure nonresidential land use intensities.
- (4) “Maximum floor area ratio (FAR)” means the highest permitted FAR for a given land use. This ratio is calculated by multiplying the average people per car for a given land use by the maximum number of occupied parking spaces per 1,000 square feet of gross leasable area for said land use by 43.56 (square feet per acre divided by 1,000), then dividing the total into the desired maximum density for an acre (people per acre). (Ord. 1555 § 23, 2009).

19.50.040 Subdistricts.

There are hereby established and mapped six subdistricts of the AE overlay zone.

(1) Subdistrict Definitions. The subdistricts of the AE overlay zone, as described below, are based on the 2005 Air Installation Compatible Use Zone (AICUZ) Study for Naval Air Station Whidbey Island’s Ault Field as it relates to mapped accident potential zones and Ldn noise contours.

- (a) Accident Potential Subdistrict 1. This subdistrict corresponds to that area of the city inside the AICUZ Accident Potential Zone I.
- (b) Accident Potential Subdistrict 2. This subdistrict corresponds to that area of the city inside the AICUZ Accident Potential Zone II.
- (c) Accident Potential Subdistrict 3. This subdistrict corresponds to that area of the city within 1,000 feet of either accident potential subdistricts 1 or 2.
- (d) Noise Subdistrict A. This subdistrict corresponds to that area of the city located between the AICUZ 60 and 65 Ldn noise contours.
- (e) Noise Subdistrict B. This subdistrict corresponds to that area of the city located between the AICUZ 65 and 75 Ldn noise contours.
- (f) Noise Subdistrict C. This subdistrict corresponds to that area of the city located within the AICUZ 75 Ldn and higher noise contours.

(2) Subdistrict Boundaries. Boundaries for the AE overlay zone subdistricts defined in subsection (1) of this section are as depicted on the official zoning map for the city. (Ord. 1555 § 23, 2009).

19.50.050 AE overlay zone use restrictions.

This section establishes restrictions within the AE overlay zone subdistricts on those uses that would otherwise be permitted in the underlying zoning districts.

(1) Accident Potential Subdistricts 1, 2 and 3. The restrictions for accident potential subdistricts 1 and 2 are based on AICUZ land use compatibility standards for accident potential zones, and adapted for the specific context of Oak Harbor. The restrictions for accident potential subdistrict 3 are based on consistency with the city's comprehensive plan to ensure that land uses around accident potential zones conserve the highest degree of public health, safety and welfare.

(a) Maximum Density. The maximum number of persons per acre for a permitted land use within the accident potential subdistricts shall be 25 persons per acre for accident potential subdistrict 1, 30 persons per acre for accident potential subdistrict 2 and 50 persons per acre for accident potential subdistrict 3. To provide a measurement for determining maximum density, a maximum floor area ratio (FAR) has been established for each permitted land use. Total permitted gross floor area for a permitted land use is determined by multiplying the total square footage of land area by the FAR for that land use.

(b) Permitted Uses and FAR Standards. The table that follows establishes permitted and conditionally permitted uses and FAR standards within the accident potential subdistricts. Since these subdistricts overlay only the auto/industrial commercial land use designation, as mapped in the Oak Harbor comprehensive plan, the table considers only those uses permitted in the underlying C-4 highway service commercial zoning district which implements this designation.

C-4 Permitted Land Uses	Accident Potential Subdistrict 1 (25 persons per acre)	Accident Potential Subdistrict 2 (30 persons per acre)	Accident Potential Subdistrict 3 (50 persons per acre)
Automobile and Truck Service Stations	Yes (maximum FAR 0.14)	Yes (maximum FAR 0.17)	Yes (maximum FAR 0.28)
Automobile Sales and Service	Yes (maximum FAR 0.14)	Yes (maximum FAR 0.17)	Yes (maximum FAR 0.28)
Boat Sales and Boat Repair	Yes (maximum FAR 0.14)	Yes (maximum FAR 0.17)	Yes (maximum FAR 0.28)
Car Washes	Yes (maximum FAR 0.11)	Yes (maximum FAR 0.13)	Yes (maximum FAR 0.22)
Coffee Kiosks	Not permitted	Limited to 100 square feet	Limited to 100 square feet
Contractor Offices and Related Storage	Yes (maximum FAR 0.11)	Yes (maximum FAR 0.13)	Yes (maximum FAR 0.22)
Drive-In Banks	Not permitted	Yes (maximum FAR 0.13)	Yes (maximum FAR 0.22)
Equipment Rental	Not permitted	Yes (maximum FAR 0.13)	Yes (maximum FAR 0.22)

C-4 Permitted Land Uses	Accident Potential Subdistrict 1 (25 persons per acre)	Accident Potential Subdistrict 2 (30 persons per acre)	Accident Potential Subdistrict 3 (50 persons per acre)
Farm and Garden Supplies, Plant Nurseries	Not permitted	Yes (maximum FAR 0.13)	Yes (maximum FAR 0.22)
Furniture Manufacturing	Yes (maximum FAR 0.28)	Yes (maximum FAR 0.34)	Yes (maximum FAR 0.56)
Furniture Sales	Not permitted	Yes (maximum FAR 0.17)	Yes (maximum FAR 0.28)
Mobile and Modular Home Sales	Yes (maximum FAR 0.14)	Yes (maximum FAR 0.17)	Yes (maximum FAR 0.28)
Printing and Publishing	Yes (maximum FAR 0.28)	Yes (maximum FAR 0.34)	Yes (maximum FAR 0.56)
Professional and Scientific Instrument Manufacturing	Not permitted	Not permitted	Not permitted
Real Estate Sales	Not permitted	Yes (maximum FAR 0.13)	Yes (maximum FAR 0.22)
Recreational Vehicle Sales	Yes (maximum FAR 0.14)	Yes (maximum FAR 0.17)	Yes (maximum FAR 0.28)
Restaurants	Not permitted	Not permitted	Not permitted
Self-Storage Facilities	Yes (maximum FAR 1.0)	Yes (maximum FAR 1.2)	Yes (maximum FAR 2.0)
Uses Requiring a Conditional Use Permit			
Amateur Radio Tower and Antenna	Not permitted	Not permitted	Not permitted
Government Buildings for Administrative or Protective Services	Not permitted	Yes (maximum FAR 0.14)	Yes (maximum FAR 0.24)
Government Storage Yards, Treatment Plants, Well Sites, Pump Stations	Yes (restricted)	Yes	Yes
Public Transportation Shelter Stations	Yes (restricted)	Yes	Yes
Public Utility and Communications Facility	Yes (restricted)	Yes	Yes
Radio and Television Broadcasting Stations and Towers	Not permitted	Not permitted	Not permitted
Retail or Wholesale Building Supplies, Hardware	Yes (maximum FAR 0.11)	Yes (maximum FAR 0.13)	Yes (maximum FAR 0.22)

(c) For uses noted as “restricted,” please refer to the AICUZ Study for guidance.

(d) For sites containing more than one permitted use, the most restrictive maximum FAR shall be applied to the entire site.

(e) For sites already developed to the maximum FAR, changes of use are permitted only in cases where the proposed new use has the same or more restrictive maximum FAR than the current use.

(f) For calculating the maximum FAR, the higher of the weekend or weekday parking space occupancy rate shall be used.

(2) Noise Subdistricts A, B and C. New residential or noise-sensitive commercial uses, construction and reconstruction, remodeling, and/or additions to existing buildings in noise subdistricts A, B and C of the AE overlay zone shall be made to comply with Chapter [17.30](#) OHMC.

(a) Proposed Uses and Structures. The compatibility table contained in Chapter [17.30](#) OHMC identifies permitted uses and development standards that apply to proposed development within the AE overlay zone. All proposed uses and structures must comply with these standards.

(b) Interior Day-Night Average Noise Level (Ldn). All proposed uses and structures must comply with the noise level reduction (NLR) standards as provided in the compatibility table in Chapter [17.30](#) OHMC. Compliance with NLR requirements shall be evidenced prior to issuance of an occupancy permit or business license permit. (Ord. 1555 § 23, 2009).

19.50.060 Exemptions.

The provisions of this chapter shall not be deemed applicable to the following when permitted in the underlying district:

(1) Temporary Uses. Temporary uses including, but not limited to, public celebrations and outdoor entertainment events so long as the period of operation does not exceed five days, does not exceed the maximum densities established by the applicable subdistrict and is associated with an existing permanent use;

(2) Temporary Structures. Temporary buildings and structures that are not used for residential purposes and that meet the applicable requirements as contained within this chapter so long as such uses and associated structures are constructed incidental to a permitted use, as per the requirements of this chapter;

(3) Agricultural Structures. Bona fide agricultural buildings, structures, improvements, and associated nonresidential developments;

(4) Accessory Uses and Structures. Accessory uses and structures incidental to a permitted principal structure or use and within the intent, purposes, or objectives of these regulations; structures housing accessory uses must be included in the gross floor area when calculating for consistency with the maximum FAR;

(5) Mobile and Manufactured Homes. Mobile homes and manufactured homes constructed after April 1, 1992, in general complying with the performance standards of this chapter, may be located within existing, expanded or new mobile home parks within the AE noise subdistrict A. Mobile homes and manufactured homes constructed prior to April 1992 shall not be located within AE noise subdistrict A unless the development services director determines that the sound attenuation standards are met or may be met by making modifications to the home. All mobile homes and manufactured homes located within the AE noise subdistrict B shall comply with these regulations. (Ord. 1555 § 23, 2009).

Island County Code Chapter 14.01B:
Noise Level Reduction Ordinance

- **Chapter 14.01B - Noise Level Reduction Ordinance**

- **14.01B.010 - Purpose.**

The Island County Comprehensive Plan identifies and values our airport resources for the substantial economic and transportation value they provide. We also acknowledge that lands surrounding our more heavily utilized facilities need to be afforded additional protection. The noise level reduction ordinance is intended to:

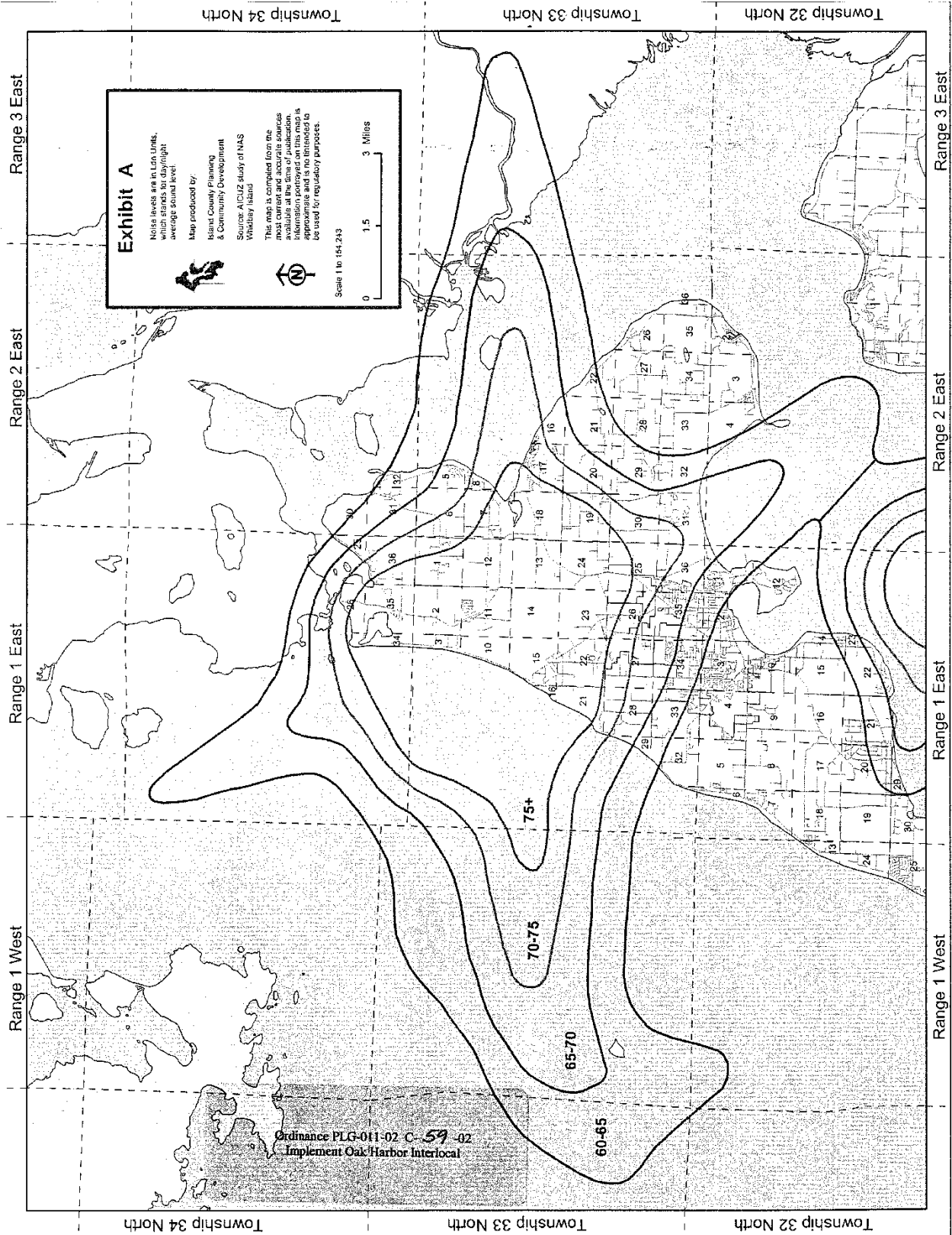
- A. Increase the compatibility of these facilities with surrounding residential and commercial uses by lowering internal noise levels within structures; and
- B. Protect the public health, safety and general welfare by providing for the full disclosure of the noise associated with the operation of aircraft.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.020 - Applicability.**

The regulations set forth herein are applicable to all lands within the delineated airport noise zones set forth in Exhibits "A" and "B". All lands within the delineated airport zones shall comply with the provisions of this chapter through the review of building permits.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)



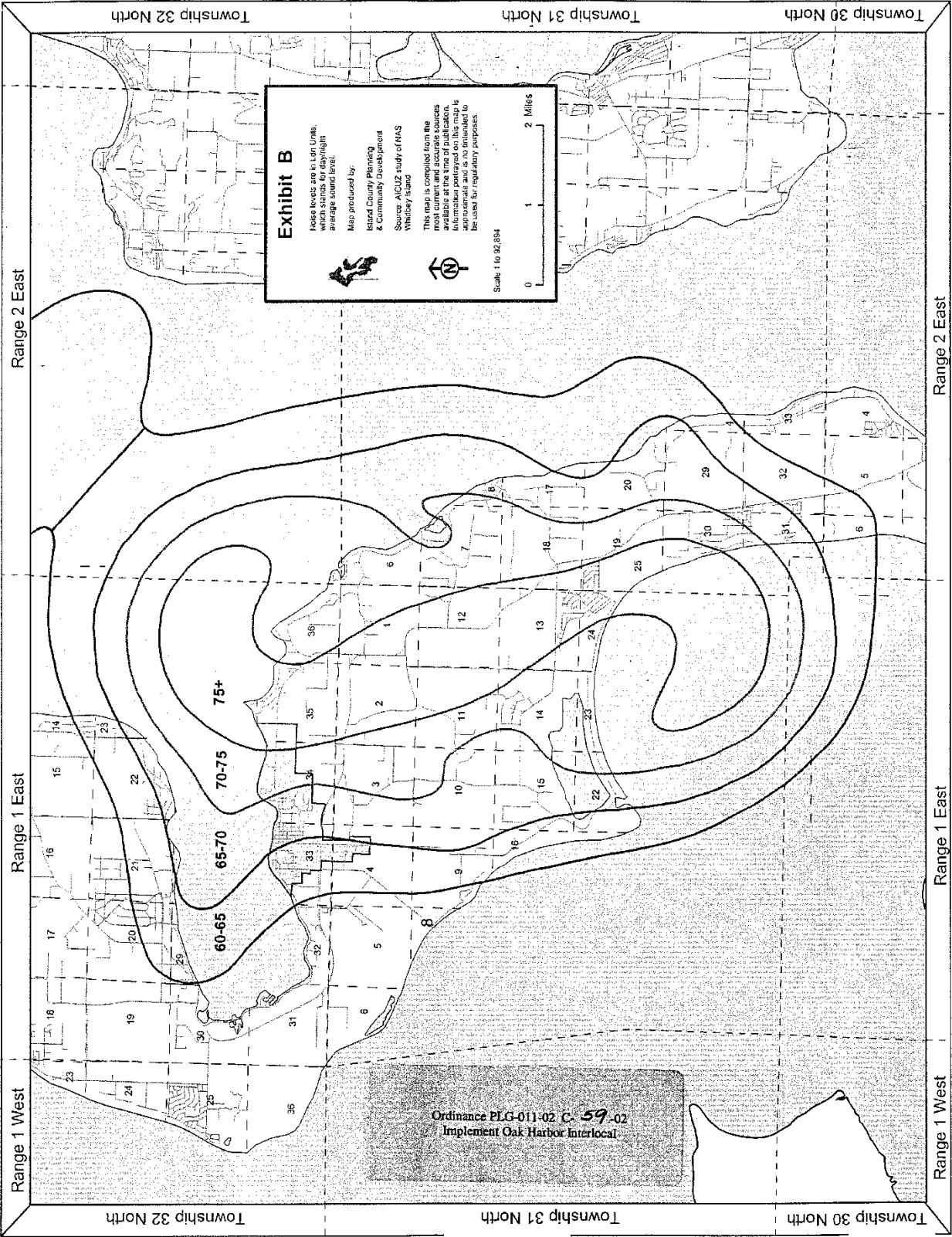


Exhibit B

Noise levels are in Ldn Units, which scores for day/night average sound level.

Map produced by:
Island County Planning & Community Development
Source: ALCUZ study of NAS Whidbey Island

This map is compiled from the most current data sources available at the time of publication. Information portrayed on this map is approximate and is no intended to be used for regulatory purposes.

Scale: 1 to 92,864

0 1 2 Miles

Ordinance PLG-011-02 C-59-02
Implement Oak Harbor Interlocal

- **14.01B.030 - Definitions.**

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Airport means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

Airport administrator or **administrator** means the Island County Building Official.

Airport noise zone means that area which has been identified as being significantly impacted by airport noise.

Alteration means any construction which would result in a change in height or lateral dimensions of an existing structure.

Construction means the erection or alteration of any structure either of a permanent or temporary character.

Day-night average sound level (Ldn) means a basic measure for quantifying noise exposure, namely: the A-weighted sound level averaged over a twenty-four-hour time period, with a ten-decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

DBA means the unit of corrected noise level measured in accordance with the "A-weighting scale" which replicates the response characteristics of the ear.

Decibel means a unit for measuring the relative loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with one (1) for the faintest audible sound.

Department means Island County Planning and Community Development.

Noise sensitive areas means areas in buildings where the normal noise level is low and shall include office areas, classrooms, areas where the public is received and breakrooms.

Nonconforming structure means any structure, which was lawfully in existence prior to the enactment of these regulations and which does not conform to these regulations.

Person means any individual, firm, co-partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee or their similar representative thereof.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Sound transmission class (STC) means a single number rating for describing sound transmission loss of a wall, partition, window or door.

Structure means any object constructed or installed by man, including but not limited to houses and commercial buildings, designed for human occupancy.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.040 - Airport noise zones.**

Airport noise zones are hereby established as follows:

EXPAND

Airport Noise Zone	Ldn Values
2	60 to 70
3	Greater than 70

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.050 - Building construction.**

All new structures and alterations to existing structures shall conform to the following minimum standard unless exempted in this chapter.

- A. Airport noise zone 2 shall have a minimum twenty-five (25) dba noise level reduction. Noise level reduction is to be measured outdoor to indoor noise; and
- B. Airport noise zone 3 shall have a minimum thirty (30) dba noise level reduction. Noise level reduction is to be measured outdoor to indoor noise; or
- C. Where noise sensitive activities are carried on in only a portion of new or reconstructed commercial buildings only those areas judged noise sensitive by the department need be protected.

All building permits in airport noise zones 2 and 3 shall be reviewed for consistency with this section. If the department determines that the building design does not meet the minimum standards of this chapter the permit shall not be issued. Applicants submitting building permits in noise zones 2 and 3 shall supply the following additional information with the permit:

A. Details of air leakage control in the following locations:

- 1. Around windows and door frames;
- 2. Openings between walls and foundations;

3. Between sole plate and rough flooring;
4. Penetrations through walls, floors or ceilings;
5. Between wall panels at corners; and
6. All other openings in building envelope.

B. Construction details, sound transmission coefficient (STC) ratings and assemblies of:

1. Exterior walls;
2. Exterior windows;
3. Exterior doors;
4. Roofs;
5. Ceilings; and
6. Ventilation systems.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.060 - Design requirements.**

The criteria of these sections establish the minimum requirements for acoustic design of the exterior envelope of buildings and for heating, ventilation and air conditioning (HVAC) systems and its parts. The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter. These requirements shall apply to all buildings for human occupancy in accordance with [section 14.01B.050](#).

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.070 - Air leakage for all buildings.**

- A. The requirements of this section shall apply to the design of the exterior envelope of all buildings designed for human occupancy. The requirements of this section are not applicable to the separation of interior spaces from each other.
- B. The following locations shall be sealed, caulked, gasketed, or weather-stripped to limit or eliminate air leakage:
 1. Exterior joints around windows and door frames between the window or door frame and the framing;

2. Openings between walls and foundations;
 3. Between the wall sole plate and the rough flooring;
 4. Openings at penetrations of utility services through walls, floor, and ceilings;
 5. Between wall panels at corners; and
 6. All other such openings in the building envelope.
- C. Through the wall, floor, or roof/ceiling penetrations not specifically addressed in these sections shall be designed to limit sound transmission and shall have the same average laboratory sound transmission classification as required for doors.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.080 - Compliance—25 decibels.**

Compliance with subsections A. through F. shall be deemed to meet requirements for a minimum noise level reduction (NLR) of twenty-five (25) decibels.

A. Exterior walls.

1. Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-30; or
2. Masonry walls having a weight of at least twenty-five (25) pounds per square foot do not require a furred (stud) interior wall. At least one (1) surface of concrete block walls shall be plastered, or five-eighths-inch GWB on furring.
3. Stud walls shall be at least four (4) inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.
 - a. Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half-inch thick, installed on the studs.
 - b. Continuous composition board, plywood or gypsum board sheathing at least one-half-inch thick or equivalent shall cover the exterior side of the wall studs.
 - c. Exterior sheathing panels shall be covered with an approved "house wrap."
 - d. Insulation material of at least R-13 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool, or foam plastic.

B. Exterior windows.

1. Windows other than as described in this section shall have a laboratory sound transmission class rating of STC-28 or shall be at least three-sixteenths-inch thick.

2. All openable windows shall be weather-stripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
3. Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.
4. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one (1) of the following federal specifications: TT-S-00227, TT-S-0230 or TT-S-00153.

C. Exterior doors.

1. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-26 or all exterior side-hinged doors shall be solid core wood or insulated hollow metal at least one and three-fourths-inch thick and shall be fully weather-stripped.
2. Exterior sliding doors shall be weather-stripped with an efficient airtight gasket system with performance as specified in section 14.01B.080.B.3. The glass in the sliding doors shall be at least three-sixteenths-inch thick.
3. Glass, over two (2) square feet in area, in doors shall be sealed in an airtight sealant or in a soft elastomer gasket or glazing tape.
4. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in section 14.01B.080.B.4.

D. Roofs.

1. Combined roof and ceiling construction other than described in this section and section 14.01B.080.E. shall have a laboratory sound transmission class rating of at least STC-39 or with an attic or rafter space at least six (6) inches deep, and with a ceiling below, the roof shall consist of one-half-inch composition board, plywood or gypsum board sheathing topped by roofing as required.
2. Open beam roof construction shall follow the energy insulation standard method for batt insulation; a ventilated air space is required.
3. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

E. Ceilings.

1. Gypsum board or plaster ceilings at least one-half-inch thick shall be provided where required by section 14.01B.080.D. above. Ceilings shall be substantially airtight with a minimum of penetrations.
2. Glass fiber or mineral wool insulation, or foam plastic, at least R-19 shall be provided above the ceiling between joists.

F. Ventilation.

1. A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior.
2. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 26-gauge steel, which shall be lined with one-inch thick coated glass fiber, and shall be at least five (5) feet long with one (1), ninety-degree bend. Approved wall ports or ventilation integrated with the forced air heating system will be allowed.
3. Gravity vent openings in attics shall be as close to code minimum in number and size, as practical.
4. Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors, shall contain at least a five-foot length of internal sound-absorbing duct lining. Exhaust ducts less than five (5) feet in length shall be fully lined and shall also meet the provisions of section 14.01B.070.C. Each duct shall be provided with a bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section. Duct lining shall be coated glass fiber duct liner at least one-inch thick. Dryer vents and ducts from kitchen range hoods will be exempt.
5. All exhaust ducts shall be equipped with back draft dampers.
6. Fireplaces shall be provided with well-fitted dampers and tightly fitting glass or metal doors.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292; amended by Ord. C-110-02 [PLG-025-02], January 6, 2003, vol. 47, p. 4, effective November 26, 2002)

• 14.01B.090 - Compliance—30 decibels.

Compliance with subsections A. through F. shall be deemed to meet requirements for a minimum noise level reduction (NLR) of thirty (30) decibels.

A. Exterior walls.

1. Exterior walls, other than as described in this section, shall have a laboratory sound transmission class rating of at least STC-35 or masonry walls having a weight of at least forty (40) pounds per square foot do not require a furred (stud) interior wall. At least one (1) surface of concrete block walls shall be plastered, or five-eighths-inch gypsum wall board (GWB) on furring.
2. Stud walls shall be at least six (6) inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.
 - a. Interior surface of the exterior walls shall be of gypsum board or plaster at least one-half-inch thick, installed on the studs.

- b. Continuous composition board, plywood or gypsum board sheathing at least one-half-inch thick or equivalent shall cover the exterior side of the wall studs.
- c. Exterior sheathing panels shall be covered with an approved "house wrap."
- d. Insulation material at least R-19 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool, or foam plastic.

B. Exterior windows.

- 1. Windows other than as described in this section shall have a laboratory sound transmission class rating of STC-33 or windows shall be double glazed with panes at least one-eighths-inch thick. Panes of glass shall be separated by a minimum one-half-inch sealed air space.
- 2. All openable windows shall be weather-stripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
- 3. Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.
- 4. The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one (1) of the following federal specifications: TT-S-00227, TT-S-0230 or TT-S-00153.

C. Exterior doors.

- 1. Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-33 or all exterior side-hinged doors shall be solid core wood or insulated hollow metal at least one and three-fourths-inch thick and shall be fully weather-stripped.
- 2. Exterior sliding doors shall be weather-stripped with an efficient airtight gasket system with performance as specified in section 14.01B.090.B.3. The glass in the sliding doors shall be at least three-sixteenths-inch thick.
- 3. Glass, over two (2) square feet in area, in doors shall be sealed in an airtight sealant or in a soft elastomer gasket or glazing tape.
- 4. The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in section 14.01B.090.B.4.

D. Roofs.

- 1. Combined roof and ceiling construction other than described in this section and section 14.01B.090.E. shall have a laboratory sound transmission class rating of at least STC-44; or with an attic or rafter space at least six (6) inches deep, and with a ceiling below, the roof shall consist of one-half-inch composition board, plywood or gypsum board sheathing topped by roofing as required.

2. Open beam roof construction shall follow the energy insulation standard method for batt insulation; a ventilated air space will be required.
3. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33.

E. Ceilings.

1. Gypsum board or plaster ceilings at least five-eighths-inch thick shall be provided where required by section 14.01B.090.D. above. Ceilings shall be substantially airtight with a minimum of penetrations.
2. Glass fiber or mineral wool insulation, or foam plastic, at least R-19 shall be provided above the ceiling between joists.

F. Ventilation.

1. A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior.
2. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least 26-gauge steel, which shall be lined with one-inch thick coated glass fiber, and shall be at least five (5) feet long with one (1), ninety-degree bend. Approved wall ports or ventilation integrated with the forced air heating system will be allowed.
3. Gravity vent openings in attics shall be as close to code minimum in number and size, as practical.
4. Bathroom, laundry and similar exhaust ducts connecting the interior space to the outdoors, shall contain at least a five-foot length of internal sound-absorbing duct lining. Exhaust ducts less than five (5) feet in length shall be fully lined and shall also meet the provisions of section 14.01B.070.C. Each duct shall be provided with a bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section. Duct lining shall be coated glass fiber duct liner at least one-inch thick. Dryer vents and ducts from kitchen range hoods will be exempt.
5. All exhaust ducts shall be equipped with back draft dampers.
6. Fireplaces shall be provided with well fitted dampers and tightly fitting glass or metal doors.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292; amended by Ord. C-110-02 [PLG-025-02], January 6, 2003, vol. 47, p. 4, effective November 26, 2002)

• 14.01B.100 - Disclosure statement.

No person shall sell, lease, or offer for sale or lease any property within an airport noise zone 2 or 3 unless the prospective buyer or lessee has been given notice substantially as follows: To:

The Property at _____ is located within Airport Noise Zone 2 or 3 impacted area. Persons on the premises may be exposed to a significant noise level as a result of airport operations. Island County has placed certain restrictions of construction of property within airport noise zones. Before purchasing or leasing the above property, you should consult the Island County Noise Level Reduction Ordinance to determine the restrictions which have been placed on the subject property, if any.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.110 - Existing uses.**

- A. No provision of this chapter shall require the removal, or change or alteration of any structure not conforming to these regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as set forth herein.
- B. No nonconforming structure shall be increased in size without the addition conforming to the required noise level reduction.
- C. In the event that a nonconforming structure has been abandoned for a period of three (3) years or is more than eighty-percent torn down, destroyed, deteriorated, or decayed, the structure or use shall not be resumed, repaired or reconstructed except in conformance with all applicable noise reduction regulations.
- D. Any change of use in the occupancy or use of a building previously not approved for human occupancy to human occupancy use or of one (1) previously not used for sleeping purposes to sleeping use shall not be permitted unless the building, structure or portion of the building complies with this chapter.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.120 - Permits.**

No new structure may be constructed or established or any existing use or structure substantially changed or altered or repaired within the airport environs zone unless a building permit has been reviewed for its consistency with this chapter.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.130 - Variances.**

- A. Any person desiring to erect any structure, or increase the size of any structure, or otherwise use his property in violation of the regulations set forth herein may apply to the Island County Building Official for a variance from the noise level reduction regulations in question.

- B. Such variances shall be allowed where a literal application of enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of regulations and this chapter. Provided, that any variance may be allowed subject to any reasonable conditions that the Building Official may deem necessary to effectuate the purposes of this chapter.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73)

- **14.01B.140 - Limitation of liability.**

This chapter is not intended to create any class of persons to be benefited or protected nor to create any reliance relationship between Island County and builders, building owners, landowners, land purchasers, their successors, occupants, or users of structures built with or without a building permit, or any other person. This chapter is not intended to create any duty running in favor of particular persons. The obligation to comply with the provisions of this chapter is upon the property owner, builder and their agents. Acts or omissions to act by Island County, its officials or employees under this chapter shall not create any liability on the part of Island County or its officials or employees.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.150 - Conflicting regulations.**

In the event of conflict between any Building Code regulations and any other regulations applicable to the same property, the more stringent limitation or regulation shall govern and prevail.

(Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292)

- **14.01B.160 - Severability.**

If any of the provisions of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect with the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73)

- **14.01B.170 - Effective date of adoption.**

Upon approval of the Washington State Building Code Council, this chapter shall be in full force and effect.

(Ord. PLG-054-93, October 11, 1993, vol. 36, p. 219, effective January 14, 1994 through Res. PLG-007-94, vol. 37, p. 73; amended by Ord. C-110-02 [PLG-025-02], January 6, 2003, vol. 47, p. 4, effective November 26, 2002)

Note— The Washington State Building Code Council approved this chapter 14.01B Noise Level Reduction Ordinance in a public hearing on November 26, 2002, at Westcoast SeaTac Hotel, SeaTac, Washington.

Island County Comprehensive Plan, Element 1:
Land Use, Airports and Aviation Safety Overlays

County designates mineral resource lands in accordance with RCW 36.70A.131 and considers new information, including data available from the Department of Natural Resources (DNR) and the United States Geological Survey (USGS), relating to mineral resource deposits.

1.5.3 CRITICAL AREAS

Under the GMA, the County is required to adopt and implement regulations that protect the functions and values of critical areas. Critical areas include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) Fish and Wildlife Habitat Conservation Areas; (d) frequently flooded areas; and (e) geologically hazardous areas [RCW 36.70A.030(5)].

The County's Critical Areas maps, provide generalized locations of critical areas based on studies conducted by local, state, and federal agencies. The County is ultimately responsible for updating and maintaining the maps on a regular basis, as additional information is developed through studies and subsequent determinations. However, precisely accurate critical area boundaries will be determined on a site by site basis.

Critical areas are protected through land use designations and use standards in Island County Code chapters 17.02 B, Critical Areas Regulations, and 17.05A, Shoreline Master Program (see Element 6, Natural Resources).

1.5.4 GENERAL LAND USE DESIGNATIONS & OVERLAYS

1.5.4.1 Airports & Aviation

Airports and related support facilities are an important part of the transportation network serving uses in Island County. Island County aviation facilities represent a significant capital investment, and provide economic benefits. However, airports can cause negative impacts on surrounding uses. Likewise, incompatible surrounding uses may negatively impact airport operations. As such, airport expansion and surrounding land development have compatibility as their goal (RCW 36.70.547). Compatibility measures for airports and surrounding uses are instituted depending upon the degree and nature of potential conflict between the airport and surrounding uses. The aim behind compatibility measures is to mitigate adverse noise and safety issues, including disallowing the siting of incompatible uses adjacent to general aviation airports and military bases.

There are several classifications of airports and aviation facilities recognized by the Federal Aviation Administration (FAA). The ones currently sited in Island County include private, limited, commercial, and military. Private and limited facilities are generally intended for private use, while commercial facilities are privately owned but intended for general use by the public. They include Wes Lupien Air Park, Whidbey Air Park, and Camano Island Air Field. Military airports in the County are discussed in more detail, below.

MAP 1P. Commercial Agriculture Lands

This map is intended to be used as a GUIDE. Island County is providing this information as a general geographic representation that should not be used for precise measurements or calculations. Some of the features on this map are not accurately depicted. Any user of this map assumes all responsibility for use and agrees to hold Island County harmless for liability, damages, or loss incurred by use of this information. Specific questions should be directed to Island County's Department of Planning and Community Development.

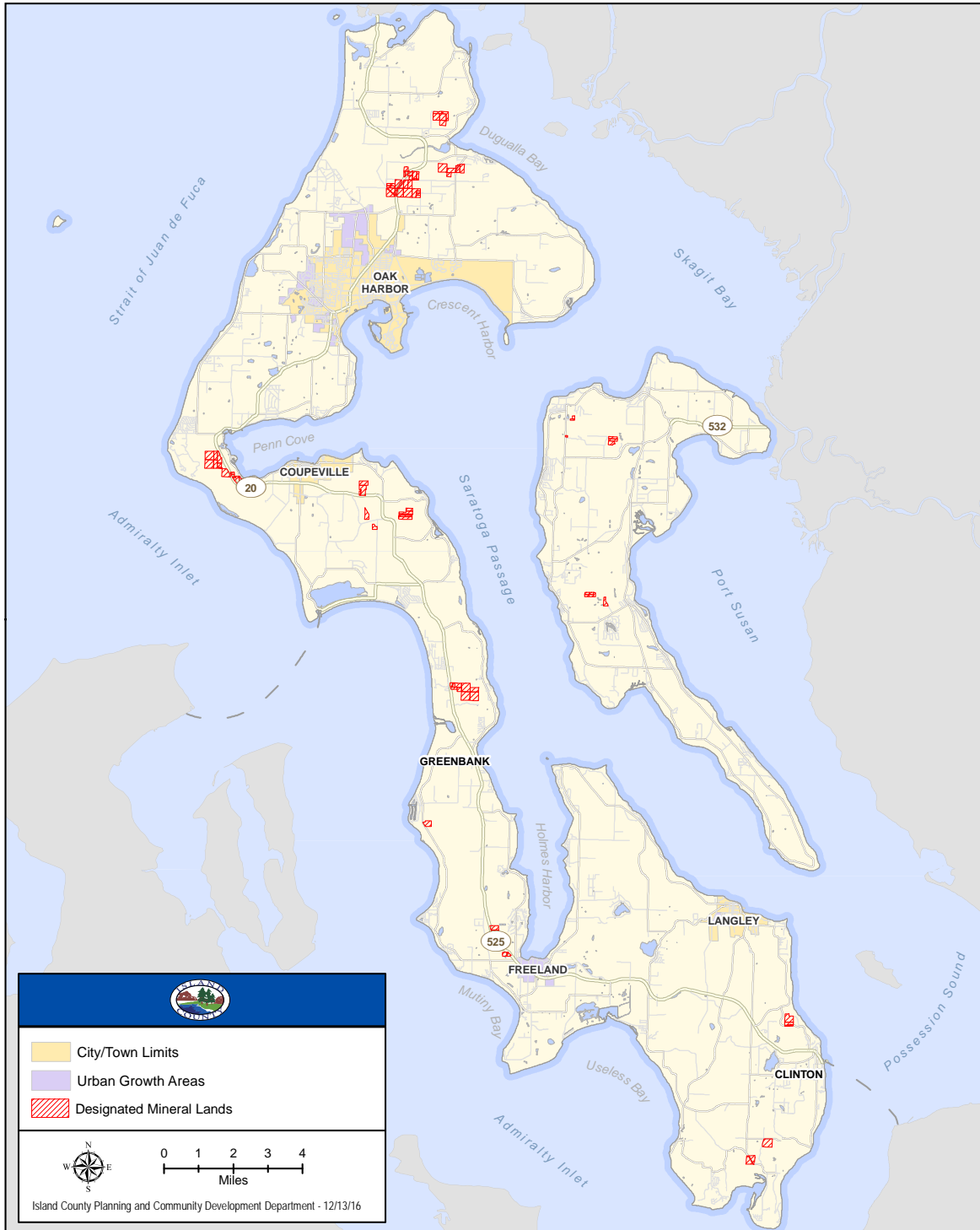
MAP 1Q. Mineral Lands

Table 1-5. Naval Air Station Whidbey Employment Projections

Year	Non-military Employment	Military Employment	Total
2012	16,689	7,300	23,989
2036	17,720	8,300	26,020

1.5.4.1.1 Military Airports

Military airports in the County include the Naval Air Station Whidbey (NAS) and the Naval Outlying Field Coupeville (OLF), which vary in size and use. These airports are owned or operated by the Federal Government, and general use by the public is prohibited unless there is an emergency, or specific authorization is granted. The high sound levels generated by aircraft using these airports and the frequency of use requires unique consideration for implementation of compatibility measures.

NAS, including OLF, represent the dominant economic force in Island County. They are a strategically located national asset, and constitute a significant capital investment in our region by the federal government. The closure of these facilities would result in extreme population and economic loss for the County. As such, the County's land use decisions support the retention and future use of these facilities. Uses incompatible with the current and future projected missions of the base shall not be sited adjacent to the NAS and the OLF (RCW 36.70A.530).

Designated Accident Potential Zones (APZs) surround both military and other airports to support public health, safety, and welfare, as well as continued military operation. Island County ensures that development in APZs is at the lowest possible density consistent with the underlying land use designation.

In 2011, an Air Installations Compatible Use Zones (AICUZ) Program was initiated. Under the program, a comprehensive study was prepared for military air installations to identify existing and compatible land use problem areas and to formulate courses of action to promote compatible development near the air facilities. The AICUZ study generally contains aircraft noise contour maps, Accident Potential Zone (APZ) designations, and recommended land use matrices for land areas within those noise zones and/or APZs.

Map 1Q identifies the military airport APZs, while Map 1R identifies Island County aircraft noise contours.

1.5.4.2 Parks

The Parks land use designation provides recreation opportunities and conserves critical areas and open spaces. Uses and activities allowed in the Parks designation are intended to provide services and recreation opportunities for local residents as well as visitors to the county while preserving, promoting or enhancing natural lands, open spaces and critical areas. A complete inventory of parks can be found in the Parks and Recreation Element 7.

Island County Code Chapter 17.03.050:
Zoning Classification and Overlays

17.03.050 - Zoning classifications and overlays.

- A. **Establishment.** Island County is hereby divided into zoning classifications of such number and character as are necessary to achieve compatible land uses within each zone and implement the comprehensive plan. For purposes of this chapter, zoning classifications shall be as follows: Rural (R), Rural Residential (RR), Rural Agriculture (RA), Commercial Agriculture (CA), Rural Forest (RF), Rural Center (RC), Rural Village (RV), Rural Service (RS), Airport (AP), Light Manufacturing (LM) and Special Review District (SD). Zoning classifications for the Freeland Non-Municipal Urban Growth Area are established in [section 17.06.100](#).
- B. **Scope.** Within the zoning classifications established by this chapter, no building or structure shall be erected, reconstructed, altered, enlarged or relocated, no lot or parcel shall be created, used or developed and no building or structure shall be used except in compliance with this chapter.
- C. **Maps of zoning classifications, shoreline environments and overlays.**
1. Zoning classifications established by this chapter are bounded and defined as shown on the official zoning maps contained in the zoning atlas ^[6] of Island County, which together with all explanatory materials contained thereon, are hereby made a part of this chapter. The zoning atlas shall also identify approved surface mining operations and lands that have been designated mineral lands of long term commercial significance.
 2. There shall be only one (1) official zoning atlas, in a eight and one-half by eleven (8½ × 11) format containing, at a scale of approximately one (1) inch = 400 feet, all of the official maps that depict and delineate zone classifications. The zoning atlas shall be maintained by the Planning Director and shall be modified promptly to reflect amendments enacted by the county pursuant to the procedures established in this chapter and [chapter 16.19](#). Prior to the effective date of this chapter, one (1) copy of a series of maps at a scale of one (1) inch = 1,000 feet shall be filed with the Island County Auditor to illustrate the zoning atlas. Thereafter, an updated map shall be filed with the auditor annually.
 3. Specific source maps for zoning classifications include:
 - a. Island County Soil Survey, Soil Conservation Service, (Scale one (1) inch = 2,640 feet), August, 1958, Agriculture.
 - b. Productivity, Operability Overlay, Wash. State Department of Natural Resources, (Scale one (1) inch = 1,000 feet), prepared for Wash. Department of Revenue for private forest land grading to implement Chapter 187, Laws of 1974.
 - c. 1997 aerial photographs prepared by Walker and Associates.
 4. Certain areas have also been mapped as overlay zones. Generally, except for the potential UGA Expansion Area Overlay these areas are defined and regulated by chapter [17.02B](#). Shoreline areas are also subject to additional regulations and mapped shoreline environment designations. Uses in these areas are governed by [chapter 17.05A](#).
 5. Designation criteria have been established for certain zone classifications. These written criteria control when there is a conflict between the criteria and the zone depicted in the zoning atlas.

D. **Interpretation of boundaries.** The following rules shall be used to determine the precise location of any zone boundary shown on the official zoning map of Island County:

1. Boundaries shown as following or approximately following the limits of any city or town shall be construed as following such limits.
2. Boundaries shown as following or approximately following streets shall be construed to follow the centerlines of such streets.
3. Boundary lines which follow or approximately follow platted lot lines, assessor's parcel property lines or other established property boundaries shall be construed as following such lines.
4. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.
5. Boundaries shown as following or approximately following shorelines of any lakes or Puget Sound shall be construed to follow the mean high waterlines of such bodies of water, and, in the event of change in the mean high waterline, shall be construed as moving with the actual mean high waterline.
6. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at mean low water, and, in the event of a natural change in the location of such streams, rivers, or other water courses, the zone boundary shall be construed as moving with the channel centerline.
7. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs D.1. through 6. above shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.
8. Boundaries should be delineated to avoid dividing a lot or parcel into more than one (1) zone.
9. Boundaries for airport and aircraft safety. All areas of a parcel located within an Aircraft Accident Potential Zone (APZ) shall be subject to the limitations imposed by this chapter.

E. **Conflict resolution.** If any provision of this chapter conflicts with any other provision of this chapter or any other ordinance adopted by the Island County Board of Commissioners, the more stringent requirement, regulation, restriction standard or limitation shall apply.

F. **Prior approvals and pending applications for approval.**

1. **Incomplete applications.** All pending applications filed prior to the effective date of this chapter that have not been determined to be complete, shall comply with this chapter and titles 11 and 16 as amended.
2. **Complete applications.** All pending applications filed prior to the effective date of this chapter that have been determined to be complete shall be processed under the critical areas ordinance in effect at the time, as modified by interim application procedures, and unamended titles 11 and 16.

3. **Applications granted preliminary approval.** All site plan, PRD, and NR Floating Zone applications granted preliminary approval prior to the effective date of this chapter, shall be granted final approval, if final approval is required, upon compliance with conditions of preliminary approval and shall comply with unamended titles 11 and 16.
4. **Approved projects.** Both projects and applications for site plan or NR Floating Zones granted final approval prior to the effective date shall comply with all conditions of approval, even if such conditions conflict with [chapter 17.03](#) or [17.06](#), as applicable, or titles 11 and 16 as amended.
5. **Pending applications.** At the request of the applicant, pending applications covered by subsection G.2. or 3., may be reviewed under [chapter 17.03](#) or [17.06](#), as applicable, so long as the application complies with titles 11 and 16 as amended.
6. **Contract rezones and conditional uses.** Existing buildings and existing uses established based on contract rezones or conditional use approval granted prior to January 1, 1985, shall comply with the provisions of [section 17.03.230](#) or [17.06.250](#). All other contract rezones and conditional uses shall comply with [chapter 17.03](#) or [17.06](#), as applicable.
7. **Transfer of development rights.**
 - a. Applications for use approval to establish a receiving property for transfer of development rights granted preliminary or final approval prior to the effective date of this chapter shall continue to be recognized provided the receiving property complies with chapter [17.02B](#).
 - b. At the request of an owner, the county will approve the extinguishment, on a proportional basis, of a conservation easement associated with unused certificates of development rights.

(Ord. C-123-98 [PLG-037-98], September 29, 1998, vol. 43, p. 6; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-93-99 [PLG-022-99], August 23, 1999, vol. 43, p. 427; amended by [Ord.] C-105-99 [PLG-034-99], September 27, 1999, vol. 44, p. 12; amended by Ord. C-87-07 [PLG-017-07], March 10, 2008, vol. 2008, p. 105)

([Ord. No. C-75-14](#) [PLG-006-14], Exh. E, 9-22-2014; [Ord. No. C-86-17](#) [PLG-009-17], Exh. A, 8-15-2017; [Ord. No. C-49-19](#) [PLG-004-19], Exh. D, 6-18-2019)

Footnotes:

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Editor's note— The zoning atlas may be obtained from the Island County Planning Department.

City of Oak Harbor Municipal Code Chapter 6.90:
Noise Disclosure Requirement

Chapter 6.90 NOISE DISCLOSURE REQUIREMENT

Sections:

[6.90.010 Disclosure on sale or lease of property.](#)

[6.90.020 Violation – Penalty.](#)

6.90.010 Disclosure on sale or lease of property.

(1) No person shall sell, lease, or offer for sale or lease any property within the noise contours of 60 Ldn or above as shown on the Oak Harbor noise zone map referenced in OHMC [17.30.135](#), as now in effect or as hereafter amended, unless the prospective buyer or lessee has been given notice of the fact that the property is an area impacted by noise. A notice in the following form shall meet the requirements of this section:

To: [name of purchasers]

The property as described below is located within a designated noise zone for NAS Whidbey Island. Persons on the premises may be exposed to a significant noise level as a result of airport operations. In addition, Oak Harbor has placed certain restrictions on construction on property within the noise zones. Before purchasing, renting, or leasing the above property, you should review those regulations to determine the restrictions placed on the subject property, if any.

(2) A copy of this statement is available at City Hall.

(3) Proof of compliance with this provision may be established by an affidavit of service. (Ord. 1318 § 1, 2002; Ord. 930 § 2, 1992).

6.90.020 Violation – Penalty.

Violation of this chapter is punishable as a civil penalty by a fine of up to \$1,000. (Ord. 930 § 2, 1992).

The Oak Harbor Municipal Code is current through Ordinance 1919, passed January 15, 2021.

Disclaimer: The city clerk's office has the official version of the Oak Harbor Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.oakharbor.org/>

City Telephone: (360) 279-4539

[Code Publishing Company](#)

Island County Code Chapter 16.19:
Land Use Review Process

- **Chapter 16.19 - Land Use Review Process^[11]**

Footnotes:

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Editor's note— By Ordinance C-63-99 and Ordinance C-138-99 the Board of Island County Commissioners revised this chapter by adding new sections and other revisions. Please note that certain section numbers indicated by internal references in chapter 16.19 are incorrect as they were not changed by the ordinances to correspond with the current revisions.

- **16.19.010 - Purpose.**

The purpose of this chapter is to provide a concise and easily understood process for the review of land use and development proposals by:

- A. Establishing uniform processes for the review of land use and development proposals;
- B. Consolidating the application, review and approval processes;
- C. Integrating environmental and land use review within a 120-day period required by Chapter 36.70B RCW;
- D. Establishing an expedited review process for the construction and installation of public facilities that implement service provider comprehensive plans that have been determined by the county to be consistent with the county's GMA comprehensive plan; and
- E. Implementing urban growth and joint planning area agreements.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-138-99 [PLG-047-99], November 22, 1999, vol. 44, p. 155)

- **16.19.020 - Applicability.**

The land use review processes set forth herein shall apply to actions including administrative decisions, land division, zoning variances, zoning amendments, site plan review and planned residential development approval, provided for by titles 11, 16 and 17, the placement of property in deferred tax programs as provided for in Chapters 84.33 and 84.34 RCW, and SEPA threshold determinations issued for any Type IV legislative action that is initiated pursuant to Chapter 36.70A RCW.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998,

vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-96-06 [PLG-006-06], August 21, 2006, vol. 2006, p. 246)

- **16.19.030 - Definitions.**

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Aggrieved person means a person is aggrieved or adversely affected within the meaning of this chapter only when all of the following conditions are present:

- A. The land use decision or determination has prejudiced or is likely to prejudice that person;
- B. That person's asserted interests are among those that the county was required to consider when it made the land use decision or determination; and
- C. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision or determination.

Area-wide rezone means the rezoning of lots under separate ownership or non-contiguous lots.

Closed record appeal means an administrative appeal on the record to the board following an open record hearing on a Type III decision when the appeal is on the record with no new evidence or information allowed to be submitted and only appeal argument allowed.

Contiguous shall mean adjoining with a common boundary line, including a public road right-of-way; except that where two (2) or more lots adjoin only at a corner or corners, they shall not be considered as contiguous unless the common property line between the two (2) parcels measures not less than sixty (60) feet in a single direction.

Open record hearing means a hearing, conducted by the hearing examiner; the Planning Commissioner; or the Board of Island County Commissioners. An open record hearing creates the county's record through testimony and submission of evidence and information. An open record hearing held prior to a county decision on a project permit is known as an "open record predecision hearing." An open record hearing, held on an appeal, is known as an "open record appeal hearing."

Party of record means the applicant and any person, agency or organization who specifically requests in writing a notice of decision or by signing a register provided for such purpose at an open record predecision or appeal hearing.

Site-specific rezone means the rezoning of contiguous lots under the same ownership.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-138-99 [PLG-047-99], November 22, 1999, vol. 44, p. 155; amended by Ord. C-96-06 [PLG-006-06], August 21, 2006, vol. 2006, p. 246)

([Ord. C-140-16](#) [PLG-012-16], Exh. A, 12-13-2016)

- **16.19.040 - Application/decision types, permit classifications, and urban growth area/joint planning area procedures.**

A. **Application types.** Applications and decisions for review pursuant to this chapter shall be categorized as a Type I, II, or III decision as set forth in Table A.

Table A

EXPAND

APPLICATION/DECISION TYPES				
	I	II	III	IV
Type of Decision	Ministerial	Administrative	Quasi-Judicial	Legislative
Pre-Application Conference	Optional	Optional	Required	N/A
Final Decision or Recommendation	Planning Director or Public Works Director	Planning Director or Public Works Director	Hearing Examiner**	Planning Commission***
Notice of Application	No	Yes	Yes	N/A
Open Record Predecision Hearing	No	No	Yes	N/A
Open Record Appeal Hearing	Yes*	Yes	No	No
Closed Record Appeal	No	No	Yes	No
Judicial Appeal	Yes	Yes	Yes	Yes

*Only appeals by the applicant permitted

** Except for site-specific rezones that are compliant with the Comprehensive Plan or Subarea Plan, upon which the Hearing Examiner makes a Recommendation and the Board of Commissioners makes the Final Decision

*** Upon Recommendation of the Planning Commission, the Board of Commissioners makes the Final Decision

1. **Type I.** Type I decisions are made by the director or his or her designee ("director") of the Department of Planning and Community Development ("department"). Type I decisions are ministerial decisions exempt from SEPA threshold determinations which require the exercise of little or no administrative discretion. Public notice is not required for Type I decisions. However, any Type I decision not exempt from a SEPA threshold determination shall be treated as a Type II decision.
 2. **Type II.** Type II decisions are administrative decisions made by the director, or his or her designee. Type II decisions involve matters that require some judgment and discretion and are subject to an open record appeal to the hearing examiner.
 3. **Type III.** Type III decisions are quasi-judicial decisions made by the hearing examiner following an open record predecision hearing. Type III decisions are subject to a closed record appeal in accordance with the procedures set forth in section 16.19.190.C, based on the record established by the hearing examiner, except for site specific rezones that are compliant with the Comprehensive Plan or Subarea Plan, such final land use decision made by the Board of Commissioners, following the Hearing Examiners Recommendation, may be appealed in accordance with the procedures set forth in section 16.19.200.B.
 4. **Type IV.** Type IV decisions are legislative decisions made by the Board of Commissioners after recommendation by the Planning Commission. Public hearing(s) conducted by the Planning Commission precede a recommendation. The board may, but in most cases will not, conduct its own hearing(s) after receiving the recommendation. Type IV decisions involve the establishment of public policy that may later be applied to Type I through Type III decisions.
 5. **Consolidated permits.** Unless otherwise agreed to by the applicant, all Type II and III decisions included in consolidated permit applications processed pursuant to [section 16.19.110](#) may be processed and decided together, including any administrative appeals, using the highest numbered application type applicable to the project application. Consolidated permits shall be processed with a single fee.
 6. **SEPA review.** Land use permits that are categorically exempt from review under the State Environmental Policy Act ("SEPA") will not require a threshold determination (determination of non-significance ("DNS")) or determination of significance ("DS"). For all other projects, the SEPA review procedures codified in [chapter 16.14C](#) are supplemental and concurrent to the procedures set forth in this chapter.
- B. **Permit classifications.** Land use decisions shall be categorized by application type as set forth in Table B.

TABLE B
Permit Classifications

EXPAND

CODE CHAPTER	I	II	III	IV
Chapters 11.02 , 11.03 , 11.04 , 14.01A , 16.06 , 16.14 , 16.15 , 16.17 , 17.02B , 17.03 , 17.05A		Any otherwise Type I application/decision not exempt from SEPA threshold determinations		
Chapters 11.02 , 11.03 and 11.04	Administrative determinations exempt from SEPA threshold determinations			
Chapter 14.01A	Building permits exempt from SEPA threshold determinations			
Chapter 15.02	Storm and surface water utility charges			
Chapter 15.03	Clean water utility rate adjustments and/or classification changes			
Chapter 16.06	Administrative determinations, boundary line adjustments Final subdivision and short subdivision decisions that are	Preliminary short subdivision decisions alterations, withdrawal or vacation of a short subdivision	Preliminary subdivision decisions alterations, withdrawal or vacation of a subdivision	

CODE CHAPTER	I	II	III	IV
	all exempt from SEPA threshold determinations.			
Chapter 16.14C	SEPA categorical exemption decisions for Type 1 decisions	SEPA categorical exemption decisions and SEPA threshold determinations for Type II decisions	SEPA categorical exemption decisions and SEPA threshold determinations for Type III decisions	
Chapter 16.15	Administrative determinations exempt from SEPA threshold determinations	Administrative conditional uses (see chapters 16.15 and 17.03)	Quasi-judicial conditional uses (see chapters 16.15 and 17.03)	
Chapter 16.17	Administrative determinations exempt from SEPA threshold determinations	PRDs of 4 or less units	PRDs of 5 or more units	
Chapter 17.02B	Permitted use/reasonable use determinations Adaptive management orders Administrative determinations Single family on existing lot Wetland map corrections Rural stewardship plans Voluntary improvement plans that are all exempt from SEPA threshold determinations Exemption authorizations	Permitted use/reasonable use determinations Reasonable use compliance restoration plans Permitted alteration permits	Alterations of deepwater habitat or FWHCA permitted use/reasonable use determinations Base density exceptions Critical area variances	Designation of habitats or species of local importance

CODE CHAPTER	I	II	III	IV
<u>Chapter 17.03</u>	Animal management plan RA, and RF rezones Temporary use approvals Permitted uses Farm (BMP) management plan that are all exempt from SEPA threshold determinations	Zoning Code interpretations Zoning variances Zoning setback reductions Certificates of zoning compliance Administrative conditional uses Enforcement orders	Quasi-judicial conditional use CA, RA and RF rezones Revocations of permits and approvals	Special review district approvals Zoning Code amendments Farm/EDU management plan approvals CA/RA/RF verifications Designation of existing master planned resorts
<u>Chapter 17.05A</u>	Shoreline exemptions Administrative determinations exempt from SEPA threshold determinations	Shoreline substantial development permits Shoreline CUP and variances	Shoreline permit approvals for quasi- judicial uses	Shoreline Master Program amendments
<u>Chapter 17.06</u>	Permitted uses Design alternatives	Zoning Code interpretations Zoning variances Zoning setback reductions Certificates of zoning compliance Administrative conditional or secondary uses Enforcement orders	Quasi-judicial conditional use Revocations of permits and approvals	NMUGA Boundary adjustments and related rezoning

C. Urban growth area procedures.

1. City of Langley.

- a. Owners of property within the unincorporated portion of the Langley Urban Growth Area that is contiguous to the municipal boundary of the city or owners of property contiguous to property currently subject to a petition for annexation, for which a building permit, subdivision, short subdivision, PRD, Class IV forest practices permit or other Type II or Type III conditional use, hereinafter referred to as Langley UGA Development, is proposed, shall be required to file a petition to annex to the City of Langley and shall apply to the city for any necessary approvals and permits, except that:
 - (i) Property for which a building permit for remodeling, repair, or reconstruction of an existing structure or for a new accessory structure associated with a single family residential use is proposed is not required to annex and the permit application shall be submitted to and processed by the county under the applicable county zoning and land use standards; and
 - (ii) Property for which a new permitted use within an existing structure is proposed shall not be required to annex and any permit or approval shall be submitted to and processed by the county under the applicable county zoning and land use standards.
- b. If the City of Langley does not annex the property within 120 days of the receipt of a petition to annex, the complete application for the proposed structure or Langley UGA Development, including the annexation/development agreement, shall be submitted to and processed by the county under the applicable county zoning and land use standards.

2. City of Oak Harbor.

- a. Owners of property contiguous to city boundaries or owners of property contiguous to property currently subject to a petition for annexation for which a building permit, Type II or Type III use is proposed, shall be required to file a petition to annex to the City of Oak Harbor and shall apply to the city for any necessary approvals and permits except that:
 - (i) Building permits for such things as accessory structures, remodels of existing structures and additions which involve less than sixty (60) percent of the assessed value of the structure shall be exempt from the requirement to submit a petition for annexation. All permit applications shall be submitted to and processed by the county under the applicable county zoning and land use standards; and
 - (ii) Property for which a new permitted use within an existing structure is proposed shall not be required to petition for annexation and any permit or approval shall be submitted to and processed by the county under the applicable county zoning and land use standards.

- (iii) If the City of Oak Harbor does not annex the property within 180 days of the receipt of a petition to annex, the complete development application shall be submitted to and processed by the county under the applicable county zoning and land use standards.
- b. The county shall apply the following standards for development of property inside the urban growth area (UGA) of Oak Harbor but not contiguous to the city limits:
 - (i) The county and the city are "co-lead" agencies pursuant to Chapter 197-11 WAC with the county named "nominal lead" and responsible for complying with the procedural requirements of SEPA; and
 - (ii) Any required pre-application conference applications shall be forwarded to the city. City planning staff will be notified of the pre-application time and location and will be welcome to attend. Any written comments from the city prior to the pre-application conference will be forwarded to the applicant.
 - (iii) All complete Type II and III applications for development shall be forwarded to the city for review and comment during the public comment period.
- c. Joint planning area development standards and procedures:
 - (i) Any required pre-application conference applications shall be forwarded to the city. City planning staff will be notified of the pre-application time and location and will be welcome to attend. Any written comments from the city prior to the pre-application conference will be forwarded to the applicant.
 - (ii) All complete Type III applications for development shall be forwarded to the city for review and comment during the public comment period.
 - (iii) The city may request an annexation development agreement during the public comment period for any Type III application. If the county receives the request in writing during the comment period the county will require it as a condition of approval provided the annexation development agreement shall become effective only if it is executed by all other parties within thirty (30) days of development approval.

3. **Town of Coupeville.** Reserved.

4. **Freeland NMUGA.**

- a. Any new non-residential development within Village Core zoning districts that is also within the sub-basin draining into Holmes Harbor shall contribute a pro-rata, "fair" share fee to complete the surface and stormwater improvements set forth in the Island County Stormwater and Flood Hazard Management Plan.
- b. For all non-residential development and residential development greater than one (1) single family residence per existing lot within the Freeland NMUGA boundaries as a condition of county approval, a development agreement must be executed in a form prescribed by the county. The development agreement must include provisions

wherein the applicant agrees to participate on a fair pro-rata share basis in costs of future public facilities that are approved through the LID or ULID process.

(Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-138-99 [PLG-047-99], November 22, 1999, vol. 44, p. 155; amended by Ord. C-03-00 [PLG-002-00], April 10, 2000, vol. 44, p. 384; amended by Ord. C-59-02 [PLG-011-02], August 12, 2002, vol. 46, p. 292; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218; amended by Ord. C-22-06 [PLG-003-06], April 24, 2006, vol. 2006, p. 140; amended by Ord. C-97-06 [PLG-010-06], August 21, 2006, vol. 2006, p. 247; amended by Ord. C-02-08 [PLG-011-07], March 17, 2008, effective July 1, 2008, vol. 2008, p. 113; amended by Ord. C-39-11 [PLG-001-11], May 2, 2011, vol. 2011, p. 81; amended by Ord. C-61-11 [PLG-004-11], May 23, 2011, vol. 2011, p. 94)

([Ord. No. C-75-14](#) [PLG-006-14], Exh. D, 9-22-2014; [Ord. C-140-16](#) [PLG-012-16], Exh. A, 12-13-2016; [Ord. No. C-86-17](#) [PLG-009-17], Exh. A, 8-15-2017; [Ord. No. C-49-19](#) [PLG-004-19], Exh. D, 6-18-2019)

- **16.19.050 - Community meeting—Intent and purpose.**

- A. The purpose of the community meeting is to enhance public participation and to provide a means for the applicant and surrounding neighbors to meet independent of the county to review a development proposal and identify issues regarding the proposal so they may be addressed prior to application submittal in a manner that is consistent with the requirements of this chapter. This preliminary meeting is intended to result in an application that is more responsive to community concerns and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands or denials. Early citizen participation through the community meeting is an effective form of citizen involvement because it provides the opportunity to maximize citizen participation to identify issues very early in the process.
- B. Unless otherwise specified in [chapter 17.03](#) or [chapter 17.06](#), as applicable, conditional land use proposals classified as Type III applications, except for home industries and surface mines on mineral lands that are designated by the county of long term commercial significance, that are proposed in the rural, rural agriculture, rural forest, and commercial agriculture zones, shall be subject to the community meeting requirements.
- C. Community meeting requirements. The applicant shall be required to hold only one (1) community meeting prior to the project's pre-application conference, but may hold more if desired. If feasible, the meeting shall be held at a location within five (5) miles of the project's property boundaries. The community meeting shall be held on a weekday evening or on weekends at any reasonable time. Mailed notice of the meeting shall be provided by the applicant to the surrounding community consistent with the public notice requirement of section 16.19.140.G.1. for a Type III application. The applicant shall also post notice of the community meeting by posting a sign on the subject site in advance of the meeting consistent with the posting requirement of section 16.19.140.F.1. All attendees of the meeting shall be given an opportunity to make comment on the proposal. The applicant shall record the meeting and prepare meeting notes of major points about the development proposal that were discussed at the meeting, including comments on how the applicant has or has not addressed these major points in the application. Upon their request, the applicant shall provide members of the community in attendance, a copy of the meeting notes. The meeting notes, a tape copy of the recorded meeting, and affidavit of notice and posting shall accompany the application.

All individuals attending the community meeting who request a notice of application shall receive mailed notice pursuant to section 16.19.140.G.1.

- D. The applicant must present the proposal to the community in sufficient detail to explain the project's scope and the location and improvements proposed on the property but is under no obligation to provide a detailed design at this early phase of design development.
- E. If the applicant fails to hold a community meeting; fails to provide the affidavits of posting and notice; or fails to provide written notes and recording tape from the meeting, the application shall be incomplete.

(Ord. C-63-99 [CD-01-99], June 21, 1999, vol. 43, p. 338)

([Ord. No. C-49-19](#) [PLG-004-19], Exh. D, 6-18-2019)

- **16.19.060 - Procedural requirements for essential public facilities.**

See section 17.03.180.CC.

(Ord. C-63-99 [CD-01-99], June 21, 1999, vol. 43, p. 338)

([Ord. C-140-16](#) [PLG-012-16], Exh. A, 12-13-2016)

- **16.19.070 - Pre-application conferences.**

- A. The purpose of a pre-application conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. A pre-application conference shall be scheduled by the department, upon the request of an applicant, and shall be held in a timely manner, typically within thirty (30) days from the date of the applicant's request. The fee for the pre-application conference shall be credited in full against the permit application fee if the application is made within 180 days of the pre-application conference. Other than as set forth in subsection D., nothing in this section shall be interpreted to require more than one (1) pre-application conference or to prohibit the applicant from filing an application if the department is unable to schedule a pre-application conference within thirty (30) days following the applicant's request.
- B. Unless the director determines otherwise, a pre-application conference is required for all Type III decisions and for all Type II decisions proposed within the unincorporated portion of an urban growth area or joint planning area. For Type I and II decisions not within the unincorporated portion of an urban growth area or joint planning area, the pre-application conference is optional.
- C. A pre-application conference shall include representatives from the Health and Public Works Departments; and include the appropriate municipality for development within urban growth or joint planning areas; and other representatives of other agencies when appropriate, if the municipality desires to participate after having been notified of the application by the county.
- D. An applicant for any Type III decision or any Type II decision within the unincorporated portion of an urban growth area or joint planning area, not contiguous to the city/town, wishing to

submit a permit application more than 180 days following a pre-application conference for the same permit application shall be required to schedule another pre-application conference.

(Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-138-99 [PLG-047-99], November 22, 1999, vol. 44, p. 155)

- **16.19.080 - Acceptance of applications.**

- A. Application submittal. The permit application shall be submitted to the department. Applications shall be in a format established by the board and shall contain all information required by the pertinent chapter of the Island County Code. Computer generated forms with all required information in the same order and in a similar context are acceptable. Applications on property within the unincorporated portion of an urban growth area that are not required to annex shall be required to execute and submit an annexation/development agreement, which has been filed for record against the title of the property by the owner with the Island County Auditor, as an application requirement. Applications within the joint planning area shall be required to execute an annexation/development agreement as an application requirement if an annexation/development agreement is requested by the municipality. A building permit application on property that is subject to an approved and recorded annexation/development agreement shall not be required to obtain or submit a new annexation/development agreement if the proposal is determined to be consistent with the previously approved annexation/development agreement.
- B. Notice of complete application. Except as provided in [subsection] C. below, within fourteen (14) days following receipt of a land use permit application, the department shall mail written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state with specificity what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state, regional or federal governments that may have jurisdiction over some aspects of the development proposal. Once determined complete, copies of the application shall be forwarded to appropriate county agencies for review.
- C. Notice of complete application. (For Type I and II decisions).
 - 1. An applicant may schedule an appointment for submission of a Type I or II decision. At the scheduled appointment, the county shall determine whether the application is complete or incomplete. If all documents have been submitted that are required by the checklist for Type I or II decisions, the application shall be determined complete. The completeness review, provided for in this subsection, will be only looking for the submission of the required documents and not one (1) of review of documents for approval or even for review to determine if more information will be required for approval. Additional information can be requested as provided for in [section 16.19.070](#).
 - 2. If at a scheduled appointment the application cannot be determined to be complete, the applicant may request that the application go forward with the submitted information and the department will respond within fourteen (14) days with a notice that the application is complete or incomplete, with a statement of missing documents included with the notice as provided in subsection E. below.

- D. An application shall be deemed complete under this section if the department does not mail written notice to the applicant that the application is incomplete within the fourteen (14) day period as provided herein.
- E. For incomplete applications, within fourteen (14) days following the receipt of additional information, the department shall mail written notice to the applicant that the application is complete or incomplete. The application shall be deemed complete if the department fails to mail the notice within this time period.
- F. The department's signing a completed application at a scheduled application meeting or the department's mailing of a notice of complete application as provided above, or the failure of the department to mail such a notice shall cause an application to be conclusively deemed to be complete and vested as provided in this chapter.
- G. An applicant may request that an incomplete application be processed by the county and a decision rendered. Provided that the vesting provisions of [section 16.19.110](#) will not apply unless the application is determined by the appropriate approving authority to be complete. Such determination may be obtained through the appeal of the denial of a Type I or II decision or the applicable review process for a Type III decision.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Res. PLG-069-93, January 10, 1994 and February 28, 1994, effective January 1, 1994, vol. 36, pp. 384 and 493; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-138-99 [PLG-047-99], November 22, 1999, vol. 44, p. 155; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446)

- **16.19.090 - Requests for additional information.**

The following procedures shall apply if a request for additional information is made by the county:

- A. The department shall request additional information, in excess of that included on the application form(s), only when there is a clear and present need for such additional information in order to assure that the public health, safety and welfare is adequately protected. Additional information may be requested for any Type I—III decision.
- B. All requests for additional information by the department shall be made within seven (7) days following the completion of the public comment period and for Type I decisions that are exempt from SEPA, within twenty-one (21) days of the notice of complete application. The department shall, when making requests for additional information, include the reason(s) why additional information is necessary and set a reasonable deadline for the submittal of the requested information. Failure by the department to request additional information within the time periods set forth above shall bar the department from requiring any further information prior to final approval.
- C. If the applicant requests in writing for the department to proceed with project review without the requested additional information, the process shall continue.

- D. When granting a request for a deadline extension, the department shall give consideration to the number of days between receipt by the department of a written request for a deadline extension and the mailing to the applicant of the department's decision regarding the need for additional information and the complexity of the requested material and other factors relevant to the reasonableness of the request.

(Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

• **16.19.100 - Approval time periods.**

- A. Type I. Except for final subdivision plats and final short subdivision plats, final decisions by the director for Type I applications shall be issued within 120 days following mailing the complete application notice, completion at the scheduled completion meeting or failing to timely mail a notice of complete application. Decisions on Type I applications that are not exempt from SEPA review shall be issued in the same manner as a decision on a Type II application. Final subdivision plat and final short subdivision plat decisions shall be issued within thirty (30) days of the date a complete application is filed with the county, pursuant to RCW 58.17.140.
- B. Type II. Final decisions by the director for Type II applications shall be issued within 120 days following mailing or failing to timely mail a notice of complete application.
- C. Type III. Except for preliminary subdivision decisions, final decisions by the hearing examiner for Type III applications shall be made within 120 days following the mailing or failing to timely mail a notice of complete application. Preliminary subdivision decisions shall be made within ninety (90) days of the date a complete application is filed with the county, pursuant to RCW 58.17.140.
- D. Type I—III. The following periods shall be excluded from decision time periods set forth in this chapter:
1. Any period of time during which the applicant has been requested by any county department, hearing examiner, or board to correct plans and required application submittals, perform required studies, or provide additional information. The period shall be calculated from the date notice is mailed to the applicant of the need for additional information until the earlier of:
 - a. The date the county mails written notice to the applicant that the additional information satisfies the county's request, or
 - b. Fourteen (14) days after the date the additional information has been provided.
 2. The period of time during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW.
 3. The period of time established by this chapter to consider an open and closed record appeal, including appeals of preliminary determinations of code consistency.

4. Any period of time during which an applicant fails to post notice on the property, if required by [section 16.19.140](#), following the date notice is required until an affidavit of posting is provided to the department by the applicant.
 5. Any period of time during which an applicant fails to post notice on the property, or otherwise comply with the posting requirements of [section 16.19.140](#).
 6. Any time extension mutually agreed upon by the applicant and the department.
- E. The time limits established in this section shall not apply if a proposed development:
1. Requires an amendment to the comprehensive plan or a development regulation; or
 2. Is substantially revised by the applicant, when such revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the time period shall start from the date at which the revised project application is determined to be complete.
- F. Expedited review. Priority processing shall be given to those public facility owners/operators that:
1. Have a valid adopted comprehensive plan consistent with the requirements of WAC 365-195-315(1)(a), (b), (c) and (d); which has been determined by the county to be consistent with the county's GMA comprehensive plan; and
 2. Have submitted to the department a list of the agency's proposed public facilities planned for initiation or construction as required by RCW 36.70.520, for review/report under RCW 36.70.530.
- G. If the county is unable to issue its final decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant and the board. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-63-99 (CD-01-99), June 21, 1999, vol. 43, p. 338; amended by Ord. C-138-99 [PLG-047-99], November 22, 1999, vol. 44, p. 155; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446; amended by Ord. C-73-03 [PLG-003-03], July 21, 2003, vol. 47, p. 153; amended by Ord. C-118-11, November 21, 2011, vol. 2011, p. 218)

• **16.19.110 - Vesting of applications.**

- A. Except as otherwise described in this section, applications for Type I, II, and III decisions, shall be considered under the zoning and other development regulations in effect on the date a notice of complete application is mailed or notice of completion is given at the application meeting scheduled pursuant to this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested.

Applications for subdivisions and short subdivisions shall be considered under [chapter 16.06](#) and the zoning and other development regulations that are in effect at the time a fully completed application for preliminary plat approval or short plat approval is submitted to the department. This regulation applies to all subdivision and short subdivision applications submitted to Island County on or after September 29, 1998, the effective date of this section. In accordance with RCW 19.27.095, building permit applications shall be considered under the Building Code, zoning and other development regulations that are in effect at the time a fully completed building permit application is submitted to the department.

- B. Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application unless the information is requested because incorrect information is submitted by the applicant and if the incorrect information would materially affect the final decision on the application.
- C. Modifications required by the county to a pending application, other than those set forth in subsection B., shall not be deemed a new application and not affect vesting.
- D. An applicant requested modification occurring either before or after issuance of the permit shall be deemed a new application, and eliminate vesting, when such modification would result in a substantial change in a project's review requirements, as determined by the department. For example, changes in the type of decision, i.e., Type I to Type II or Type II to Type III or a change requiring a new SEPA threshold determination, would be considered substantial changes. Modifications that reduce the scope of a proposal or reduce environmental impacts would not be considered a substantial change.

(Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-159-01 [PLG-028-01], January 7, 2002, vol. 46, p. 74; amended by Ord. C-75-04 [PLG-012-04], July 26, 2004, effective July 1, 2004, vol. 2004, p. 218)

- **16.19.120 - Consistency review by agencies.**

- A. Each application will be reviewed by the director to determine consistency with the adopted comprehensive plan and development regulations. The review will at a minimum include the following factors for determining consistency:
 - 1. Type of land use permitted on the site;
 - 2. The density of the development allowed on the site such as the number of units per acre or lot coverage;
 - 3. Shoreline and critical areas regulations; and
 - 4. Land use standards.
- B. For applications, the county engineer shall notify the director that the proposed roads, utilities, drainage facilities, and other improvements can or cannot conform to adopted development standards and the application complies with the concurrency requirements of [chapter 11.04](#).

- C. For applications, the health officer shall notify the director that the proposed method of waste disposal and proposed system of water supply can or cannot conform to adopted development standards.
- D. For applications with legal descriptions that have not been prepared by a land surveyor licensed in the State of Washington, the county engineer shall, in such manner deemed appropriate, establish the adequacy of legal descriptions.
- E. The conclusions of a consistency determination by staff shall be documented in the project permit decision or staff report to the hearing examiner.
- F. At or subsequent to a pre-application conference, the department may issue a preliminary determination of consistency that a proposed development is not permissible under applicable county policies or codes. In that event, the applicant shall have the option to appeal the preliminary determination to the hearing examiner in the manner provided for a Type II decision, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided pursuant to this chapter.
- G. Consistency determinations by the county engineer and health officer shall be forwarded to the director as follows:
 - 1. For Type I decisions, within twenty-one (21) days following the mailing or failing to mail notice of a complete application.
 - 2. For Type II and III decisions prior to the completion of the public comment period (thirty-eight (38) days following the mailing or failing to mail a complete application).

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-172-91, December 16, 1991, vol. 33, p. 265; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-63-99 (CD-01-99), June 21, 1999, vol. 43, p. 338)

• **16.19.130 - Consolidated permit review.**

- A. When the applicant requests it, the department shall integrate and consolidate the review and decision on two (2) or more project permits that relate to the proposed project action discussed in this chapter.
- B. If the applicant chooses to use the consolidated permit review process, the determination of completeness, notice of application, and notice of final decision must contain all project permits the county is reviewing through the consolidated permit review process.
- C. The consolidated permit review can combine an open record hearing on one (1) or more permits with a closed record appeal hearing on other permits.

(Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

- **16.19.140 - Notice of application/public comment period.**

- A. A notice of application shall be provided to the public for all land use permit applications requiring Type I, II and III decisions pursuant to this section, except as otherwise specified below.
 - 1. Notice for Type II decisions shall be by publication and posting of the subject property. There shall be no public notice for Type I decisions that are exempt from SEPA review. Notice for Type I decisions that are not exempt from SEPA review shall be the same as notice for a Type II decision.
 - 2. Notice of Type III decisions shall be by publication, posting of the subject property and by mail.
- B. Notice of the application shall be sent for publication, mailed by the department or posted by the applicant within seven (7) days following the department's determination that the application is complete. The public comment period of fourteen (14) days shall be provided, except as otherwise provided in Chapter 90.58 RCW. The public comment period shall commence on the date of publication.
- C. If the county has made a determination of significance ("DS") under Chapter 43.21 RCW prior to the issuance of the notice of application, the notice of the DS shall be combined with the notice of application and the scoping notice.
- D. All required mailed notices of application shall contain the following information:
 - 1. The file number;
 - 2. The name of the applicant;
 - 3. The date of the notice of application;
 - 4. A brief description of the project, its location, and if any critical areas or their buffers, regulated by the county, are located on the property;
 - 5. A site plan on paper no larger than eight and one-half (8½) by fourteen (14) inches, if applicable;
 - 6. The procedures and deadline for filing comments, requesting notice of any required hearings, receiving decisions and any appeal procedure;
 - 7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice;
 - 8. If applicable, a statement that the optional DNS process is being used and that the public comment period may be the only opportunity to comment on the environmental impacts of the project; and
 - 9. If applicable, adjacency of subject parcel(s) to agricultural, forest, or mineral resource lands, specifically properties zoned Commercial Agriculture, Rural Agriculture, and Rural

Forest, as well as those properties which are identified as a mineral resource land in the Mineral Resources map (Map 6F) in the Comprehensive Plan.

E. Notice shall be provided in the following manner:

1. Posted at the project site as provided in subsection F. hereof;
2. If applicable, mailed by first class mail as provided in subsection G. hereof; and
3. Published as provided in subsection H. hereof.

F. Posted notice of application shall be as follows:

1. Posted by the date of publication by the applicant on the property or principal entry point to the property from the nearest public right-of-way upon which the proposed development is located, using a stencil form provided by the county on a waterproof sign. At the discretion of the director, the posting of additional signs may be required to assure that adequate public notice is provided. Said sign(s) shall be maintained by the applicant until action is taken on the application, when it shall be promptly removed by the applicant. Said sign(s) shall be located so as to be visible from the abutting road(s). Signs shall be at least one and one-half (1½) feet by two (2) feet in size and shall include the information set forth in subsections D.1., 2., 3., 4., 6. and 7.; and
2. An affidavit of posting, verifying compliance with subsection F.1. above, must be returned to the county by the applicant. If the affidavit is not returned prior to the end of the public comment period, new notice shall be required to allow a second public comment period. All costs incurred for the second notice shall be paid by the applicant and the approval time periods established in [section 16.19.100](#) shall be extended accordingly.

G. Mailed notice of application when applicable shall be as follows:

1. By first class mail to owners of record of property in an area within 300 feet of the site and those individuals who attended a required community meeting who requested a mailed notice of application pursuant to section 16.19.050.C.;
2. To any municipality or special district when the proposal is located within an UGA or service area of the district;
3. To the State Department of Transportation, if the site adjoins a state highway;
4. For Type III decisions, to all cities within one (1) mile of the proposed development, and to operator(s) of all airports within two (2) miles of the proposed development and the Navy if the proposed development is within five (5) miles of any Navy operated runway; and
5. Be considered supplementary to posted and/or published notice and be deemed satisfactory despite the failure of one (1) or more owners to receive the mailed notice sent to addresses of record.

H. Notice shall be published once in a newspaper of general circulation within the county and contain the information required for mailed notice set forth in subsection D. except for D.5.

I. The identification of parties who should, under this chapter, receive notice is the responsibility of the county. The cost of the postage shall be billed to the applicant.

(Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-63-99 (CD-01-99), June 21, 1999, vol. 43, p. 338; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446)

([Ord. C-140-16](#) [PLG-012-16], Exh. A, 12-13-2016)

- **16.19.150 - SEPA compliance and environmental procedures.**

An application for project approval or a legislative action initiated pursuant to Chapter 36.70A RCW shall comply with Chapter 43.21C RCW, the State Environmental Policy Act (SEPA), Chapter 197-11 WAC, and [chapter 16.14C](#), county environmental policy.

- A. Except for a determination of significance and except as otherwise expressly allowed by RCW 36.70B.110, the county may not issue its threshold determination until the expiration of the public comment period provided for in this section.
- B. DNSs on Type I or II decisions shall be issued after the public comment period at the same time that the decision is made on the underlying permit.
- C. For Type I or II decisions involving a DS, the decision on the application may be made no sooner than seven (7) days and no later than fourteen (14) days after issuance of the final EIS.
- D. For Type III decisions, the threshold determination shall be issued at least fifteen (15) days prior to the open record pre-decision hearing scheduled for the application.
- E. For Type IV legislative actions initiated pursuant to Chapter 36.70A RCW the associated SEPA threshold determination is a Type II decision that is appealable to the hearing examiner. The hearing examiner's decision may be appealed to the Growth Management Hearings Board.
- F. The public comment period provided for in [section 16.19.140](#) shall constitute the integrated comment period provided for by WAC 197-11-355 and used to obtain comments on the application and the threshold determination made under SEPA and [chapter 16.14C](#). If a DNS is issued, a second public comment period will not be required.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-63-99 (CD-01-99), June 21, 1999, vol. 43, p. 338; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446; amended by Ord. C-96-06 [PLG-006-06], August 21, 2006, vol. 2006, p. 246)

- **16.19.160 - Type I and II decisions.**

A. The director shall act on a Type I or II decision as follows:

1. Approval;
2. Disapproval specifying reasons for disapproval; or
3. Grant preliminary approval subject to conditions and completion of specified improvements.

Said decision of the director shall be based upon reports of reviewing agencies, comments received during the review period, the requirements of this chapter, and all other relevant facts and information needed to determine that the application complies with applicable regulations adopted by the county. Where appropriate, a decision shall also state the specific precedent, reasons, conditions, and analysis upon which the decision is based.

B. Notice of decision will be provided by first class mail to:

1. The applicant;
2. Any person, agency, or organization who, prior to rendering the decision, requests in writing notice of the decision; and
3. For decisions with SEPA threshold determinations, any person or agency entitled to notice pursuant to WAC 197-11-355.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

- **16.19.170 - Type III decisions.**

The department shall schedule a date for an open record predecision hearing before the hearing examiner for Type III decisions.

A. Notice of the open record predecision hearing shall be as follows:

1. A notice of the hearing providing the location and a general description of the proposed project shall be published at least ten (10) days prior to the hearing date in a newspaper of general circulation in the county and in a newspaper of general circulation in the area in which the proposed project is located. The notice of a hearing before the hearing examiner shall indicate if the examiner's decision will be final and will not be appealable to the board.
2. Written notice of the hearing shall be mailed to any person, agency, or organization that requests in writing notice of the hearing during the public comment process provided for in [section 16.19.140](#).

3. Written notice of the hearing shall also be provided to any organization or individual who has requested, in writing, to receive notice of all land use applications encompassed by this chapter; provided that the county may charge a reasonable fee for such notice.
- B. The Planning Department shall coordinate and assemble the review of other county departments having an interest in the Type III decision and shall prepare a report summarizing the factors involved and the department's findings and recommendations. At least ten (10) days prior to the scheduled open record predecision hearing, the report shall be filed with the hearing examiner and copies shall be mailed to the applicant, parties of record, and made available for public inspection.
- C. Prior to making a decision on any Type III decision, the hearing examiner shall hold at least one (1) open record predecision hearing thereon. In the conduct of any hearing, the examiner shall have the power to administer oaths, preserve order, and to issue summons for and compel the appearance of witnesses and production of documents and materials.
- D. In the case of site-specific rezones that are compliant with the Comprehensive Plan or Subarea Plan pursuant to section 16.13.110.C, the hearing examiner shall issue a recommendation to the Board of Commissioners which should be taken to the next available regular session. The recommendation of the hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the recommendation. Such findings and conclusions shall also set forth the manner in which the decision would, or would not, carry out and conform to the County's Comprehensive Plan and the County's development regulations. Each recommendation of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be issued within ten working days following conclusion of all testimony and hearings. Not later than three (3) working days following the rendering of the written recommendation, copies of the recommendation shall be mailed by the hearing examiner to the Board of County Commissioners, the applicant and to other parties of record in the case.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-63-99 (CD-01-99), June 21, 1999, vol. 43, p. 338; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446)

([Ord. C-140-16](#) [PLG-012-16], Exh. A, 12-13-2016)

• **16.19.180 - Hearing examiner decisions.**

Within fourteen (14) days of the conclusion of an open record predecision hearing for a Type III decision or open record appeal hearing for an appealable Type I or Type II decision, unless a longer period is agreed to in writing by the applicant, the hearing examiner shall render a written decision as applicable which shall include at least the following:

- A. Findings based upon the record and conclusions therefrom which support the decision. Such findings and conclusions shall also set forth the manner by which the decision or recommendation would carry out and conform to the county's comprehensive plan, other adopted policies and objectives, zoning, and this chapter.

- B. A decision on the application which may be to grant, deny, or grant with such conditions, modifications, and restrictions as the examiner finds necessary to make the application compatible with the environment and ensure compliance with the comprehensive plan, Shoreline Master Program, State Environmental Policy Act, and other county codes and ordinances found applicable. Examples of the kinds of conditions, modifications, and restrictions which may be imposed include, but are not limited to, additional setbacks, screenings in the form of fencing or landscaping, restrictive covenants, easements, dedications of additional rights-of-way, performance bonds, and measures to mitigate identified adverse environmental impacts associated with the proposed action.
- C. Not later than three (3) working days following the rendering of a written decision, copies of the decision shall be mailed by the hearing examiner to the applicant and to other parties of record in the case.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-58-91, March 11, 1991, vol. 32, p. 262; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

([Ord. No. C-47-16](#)[PLG-001-16], Exh. A, 5-24-2016)

- **16.19.185 - Expiration of permits.**

Unless a different expiration period is specifically provided under the Island County Code or state law, land use permit approvals shall expire one (1) year from the date of approval, unless an extension of time of up to one (1) additional year has been requested in writing by the applicant with an explanation of the reason(s) for the requested additional time, and the request has been approved in writing by the department.

([Ord. No. C-12-17](#) [PLG-001-17], Exh. A, 2-7-2017)

- **16.19.190 - Administrative appeals.**

A. Type I decisions.

1. Except as provided in [subsections] A.2., 3., 4. and 5. below, a Type I decision is a final county land use decision not subject to administrative appeal.
2. Except as provided in subsections A.3 and A.4 below, an applicant may appeal a denial of a Type I application to the hearing examiner. A written statement of appeal, accompanied by a fee must be filed with the hearing examiner by the applicant, within fourteen (14) days following the mailing of the director's decision in accordance with ICC 16.19.190.A.5. A more comprehensive statement setting forth in detail alleged errors and/or the basis for appeal must be submitted by the applicant within thirty (30) days following mailing of the director's decision, or the appeal is not properly filed and will be dismissed without hearing. The appeal shall be an open record appeal hearing and the written decision of the hearing examiner, in the format provided under [section 16.19.180](#), shall be rendered within fourteen (14) days of the conclusion of the hearing, unless a longer period is agreed to in

writing by the applicant. The written decision of the hearing examiner shall be a final land use decision.

3. A property owner may appeal to the hearing examiner a Type I Public Works Director's decision on charges and denials of rate adjustments pursuant to sections [15.02.130](#) and 15.02.075.B.4. regarding the storm and surface water utility, Marshall Drainage Basin, under the procedure set forth in [section 15.02.130](#). The written decision of the hearing examiner shall be the final administrative decision.
 4. A property owner may appeal to the hearing examiner a Type I Public Works Director's decision on denials of rate adjustments and classification changes of the clean water utility pursuant to sections [15.03.130](#) and 15.03.075.B.4. A written statement of appeal, accompanied by a fee, must be filed with the hearing examiner by the property owner within fourteen (14) days following the mailing of the Public Works Director's decision. A more comprehensive statement setting forth in detail alleged errors and/or the basis for appeal must be submitted by the appealing person within thirty (30) days following mailing of the director's decision, or the appeal is not properly filed and will be dismissed without hearing. The appeal shall be an open record appeal hearing and the written decision of the hearing examiner, in the format provided under [section 16.19.180](#), shall be rendered within fourteen (14) days of the conclusion of the hearing, unless a longer period is agreed to in writing by the property owner. The written decision of the hearing examiner shall be the final administrative decision.
 5. To file a written statement of appeal to the hearing examiner, the written statement of appeal must be received within fourteen (14) days following the mailing of the director's decision by either personally delivering the written statement of appeal to the office of the director that issued the decision, or by mailing the written statement of appeal to the following address: Island County Hearing Examiner, P.O. Box 5000, Coupeville, WA 98239.
- B. Type II decisions. The appeal of a Type II decision shall be an open record appeal.
1. Administrative decisions of the director on Type II applications shall be final and conclusive unless within fourteen (14) days following mailing of the director's decision, a written statement of appeal, accompanied by a fee except when submitted by a county department, is filed with the hearing examiner by the applicant, a department of the county, or any aggrieved person. A more comprehensive statement setting forth in detail alleged errors and/or the basis for appeal must be submitted by the appealing person or department within thirty (30) days following mailing of the director's decision, or the appeal is not properly filed and will be dismissed without hearing.
 2. A SEPA threshold determination issued for a Type IV legislative action that is initiated pursuant to Chapter 36.70A RCW may be appealed to the hearing examiner within fourteen (14) days following the completion of the public comment period. An appeal shall be accompanied by a written statement of appeal and the applicable fee. Appeals may be filed by a county department or any aggrieved person. A more comprehensive statement setting forth in detail alleged errors and/or the basis for appeal must be submitted by the appealing person or department within thirty (30) days following the completion of the public comment period, or the appeal is not properly filed and will be dismissed without hearing.

- C. Type III decisions. Decisions of the hearing examiner on Type III applications shall be final, except for site specific rezones that are compliant with the Comprehensive Plan or Subarea Plan. Such final county land use decisions made by the hearing examiner may be appealed as provided by state law to either the Superior Court or to an appropriate administrative agency in accordance with the procedures set forth in [chapter 16.19](#), if applicable. In the case of a site-specific rezone that is compliant with the Comprehensive Plan or Subarea Plan, the hearing examiner shall make a recommendation to the Board of Commissioners pursuant to [section 16.19.170](#). Upon consideration of the hearing examiner's recommendation, the Board of Commissioners shall make the final quasi-judicial land use decision. Such decisions are to be made by the adoption of an ordinance or resolution that either approves or denies the site-specific rezone request. Such final land use decision may be appealed in accordance with the procedures set forth in section 16.19.200.B.
- D. The timely filing of an administrative appeal of an appealable Type I or Type II Decision shall stay the effective date of the decision until such time as the appeal is heard and decided or is withdrawn. The burden of proof regarding modification or reversal shall rest with the appellant.
- E. Within seven (7) days following the timely filing of an administrative appeal for a Type I and Type II Decision, notice thereof and of the date, time, and place for the appeal hearing shall be mailed to the applicant, the appellant, and to all other parties of record. Such notice, which shall provide a general description of the appeal and of the property location, shall additionally indicate the deadline for submittal of written comments. The notice shall specify that the appeal hearing shall be an "open record appeal hearing" as described in ICC [16.19.030](#).
- F. A decision on the appeal of a Type I and Type II Decision shall be rendered no later than ninety (90) days after the timely filing of an appeal. The written decision of the hearing examiner shall be a final land use decision, except as provided in ICC 16.19.190.H.
- G. Shoreline substantial development, conditional use and variance permit decisions whether classified as Type I, Type II, or Type III, are appealable as provided in Chapter 90.58 RCW, chapter 173-27 WAC, and [chapter 16.21](#) ICC.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. PD-86-14, June 16, 1986, vol. 25, p. 383; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Res. PLG-038-92, June 15, 1992, vol. 34, p. 149; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-63-99 (CD-01-99), June 21, 1999, vol. 43, p. 338; amended by Ord. C-138-99 [PLG-047-99], November 22, 1999, vol. 44, p. 155; amended by Ord. C-44-00 [PLG-011-00], June 5, 2000, vol. 44, p. 429, readopted June 19, 2000, vol. 44, p. 446; amended by Ord. C-96-06 [PLG-006-06], August 21, 2006, vol. 2006, p. 246; amended by Ord. C-36-11 [PLG-002-11], April 18, 2011, vol. 2011, p. 70; amended by Ord. C-39-11 [PLG-001-11], May 2, 2011, vol. 2011, p. 81)

([Ord. No. C-47-16\[PLG-001-16\]](#) , Exh. A, 5-24-2016; [Ord. C-140-16](#) [PLG-012-16], Exh. A, 12-13-2016)

- **16.19.200 - Judicial review.**

- A. The following shall each be a final county land use decision. Failure of a person to timely take an available appeal to a county decision maker or decision making body shall preclude any further review, including court review.

1. A written Type III quasi-judicial site-specific rezone decision of the Board of Commissioners after a recommendation from the hearing examiner;
 2. A final Type III hearing examiner decision;
 3. The written appellate decision of the hearing examiner on an appeal of a Type II director decision;
 4. Appeal of a Type I decision when such appeal is allowed pursuant to section 16.19.190.A.; or
 5. A final Type I decision of the director not appealable under section 16.19.190.A.
- B. Except for SEPA threshold determinations issued for Type IV legislative actions initiated pursuant to Chapter 36.70A RCW which shall follow the procedures set forth in [section 16.19.205](#) a person with standing seeking further review of a final county land use decision, within twenty-one (21) days of the issuance of the decision, must both file a petition for review in the Island County Superior Court and serve the petition on all necessary parties in conformity with the requirements of the State Land Use Petition Act, Chapter 36.70C RCW.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159; amended by Ord. C-170-90 [PLG-028-90], October 1, 1990, vol. 31, p. 449; amended by Ord. C-58-91, March 11, 1991, vol. 32, p. 262; amended by Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-96-06 [PLG-006-06], August 21, 2006, vol. 2006, p. 246)

([Ord. C-140-16](#) [PLG-012-16], Exh. A, 12-13-2016)

• **16.19.205 - Growth Management Hearings Board review.**

- A. Type IV legislative actions initiated pursuant to Chapter 36.70A RCW, and/or a written decision of the hearing examiner on an appeal of the associated SEPA threshold determination are final county land use decisions.
- B. A person with standing may seek further review of a Type IV legislative action initiated pursuant to Chapter 36.70A RCW or of the written decision of the hearing examiner on an appeal of the associated SEPA threshold determination by the Growth Management Hearings Board. A petition to the Growth Management Hearings Board shall be filed within sixty (60) days after the county publishes notice that an amendment to the comprehensive plan and/or development regulations has been adopted and shall follow the procedures set forth in RCW 36.70A.290.

(Ord. C-96-06 [PLG-006-06], August 21, 2006, vol. 2006, p. 246)

• **16.19.210 - Annual report.**

County staff shall prepare an annual report on the implementation of this chapter and submit it to the board by the first day in April of each calendar year.

(Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38)

- **16.19.220 - Severability.**

If any provision of this chapter or its application to any person or circumstance is held invalid the remainder of this chapter and the application of such provision to other persons or circumstances shall not be affected.

(Ord. PD-84-14, November 5, 1984, vol. 23, p. 159)

- **16.19.230 - Effective date.**

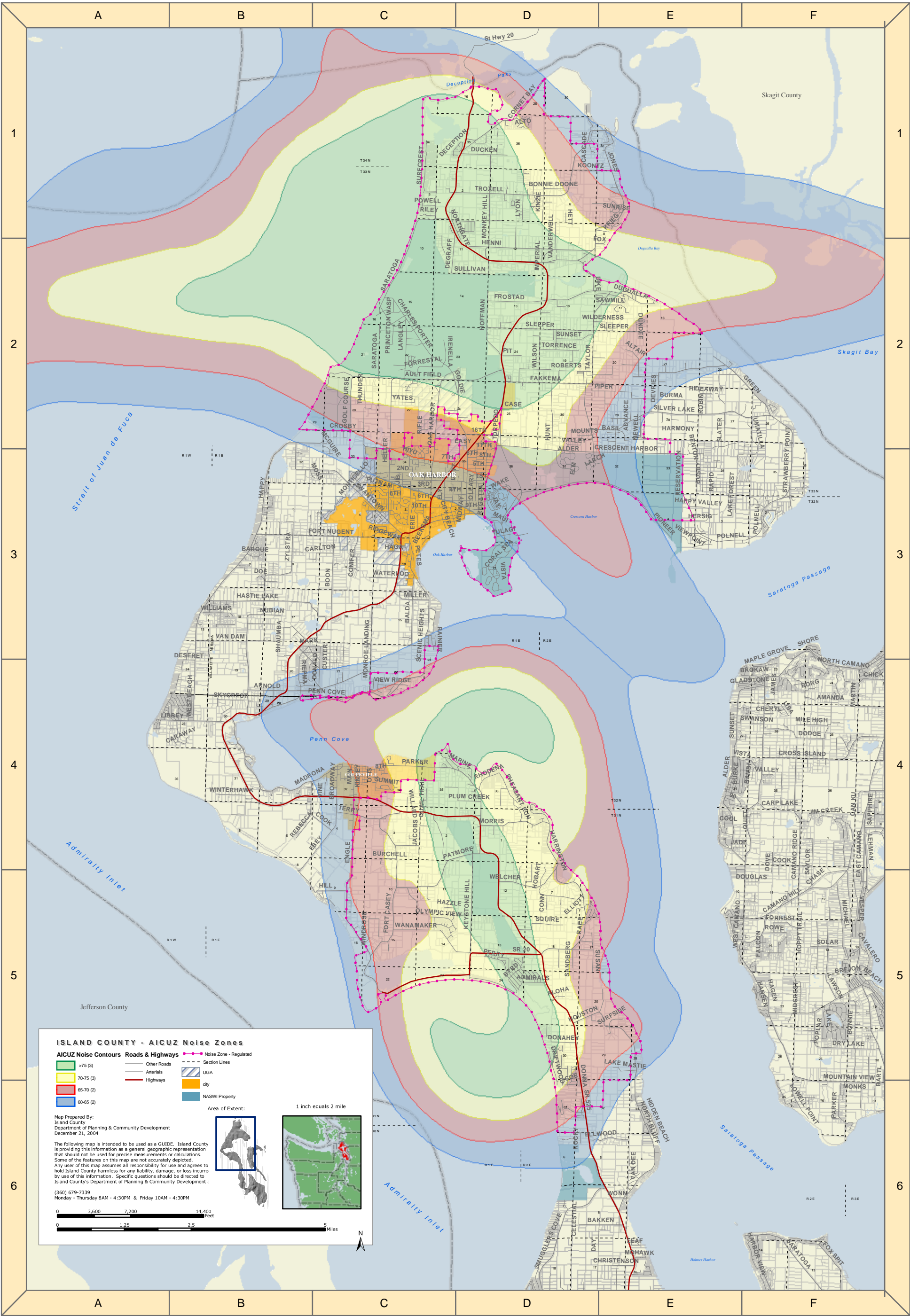
The amendments to this chapter shall take effect on December 1, 1998, and shall apply to new applications submitted on or after that date and to incomplete applications filed prior to that date.

(Ord. C-83-98 [PLG-018-98], September 29, 1998, vol. 43, p. 12; accepted by Res. C-133-98 [PLG-043-98], October 19, 1998, vol. 43, p. 38; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65; amended by Ord. C-136-98 [PLG-042-98], November 9, 1998, vol. 43, p. 65)

Island County AICUZ Noise Zones Map

ISLAND COUNTY

AICUZ NOISE ZONES



City of Oak Harbor Municipal Code Chapter 17.30:
Noise Attenuation Standards

Chapter 17.30

NOISE ATTENUATION STANDARDS¹

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Article I. General Provisions

17.30.100 Purpose.

The purpose of this chapter is to safeguard life, health, property and public welfare by establishing minimum requirements regulating the design and construction performance standards of buildings for human occupancy in the noise-sensitive vicinity of the Whidbey Naval Air Station at Ault Field, to ensure compatibility between the air station and surrounding land uses, and to protect the air station from incompatible encroachment. This chapter is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances. This chapter is intended to be a companion to the adopted zoning overlay ordinance establishing noise zones and requiring notice of disclosure. (Ord. [1455](#) § 2, 2006; Ord. 929 § 1, 1992).

17.30.105 Scope.

The provisions of this chapter shall apply to all buildings or structures constructed or placed in use for human occupancy on sites within designated noise zones established in accordance with the aviation environs (AE) overlay zone as established by the Oak Harbor official zoning map. This chapter is intended to supplement the provisions of the International Building Code, International Mechanical Code, Washington State Ventilation and Indoor Air Quality Code and the adopted Washington State Energy Code. In the case of conflict between this chapter and any other applicable codes the more restrictive requirements shall be met. (Ord. [1455](#) § 2, 2006; Ord. 929 § 1, 1992).

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

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

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

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

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

(5) Relocated Structures. Structures relocated to an area within the designated noise zones shall comply with all requirements of this chapter. (Ord. [1455](#) § 2, 2006; Ord. 929 § 1, 1992).

17.30.115 Details for plans and specifications.

The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems, as herein governed, including, but not limited to, exterior envelope component materials, STC ratings of applicable component assemblies, R values of applicable insulation materials, size and type of apparatus and equipment, equipment and system controls, and other pertinent data to indicate conformance with the requirements herein. (Ord. [1455](#) § 2, 2006; Ord. 929 § 1, 1992).

17.30.120 Fees for plan review and inspection.

The building official is authorized to collect fees for plan review and inspection for noise attenuation. These fees shall be established by Table 3-A (other inspections and fees) of the current adopted International Building Code. (Ord. [1455](#) § 2, 2006; Ord. 929 § 1, 1992).

17.30.125 Definitions.

- (1) "Day-night average sound level (Ldn)" means a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a 24-hour time period, with a 10-decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.
- (2) "Noise level reduction (NLR)" means the amount of noise reduction required through construction and incorporation of sound attenuation material to reduce interior noise level.
- (3) "Noise reduction coefficient (NRC)" means the arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.
- (4) "Sound transmission class (STC)" means a single-number rating for describing sound transmission loss of a wall, partition, window or door.
- (5) "Decibel (dB)" means the measure of sound pressure or intensity.
- (6) "Oak Harbor noise contours" means a geographic interpolation of Aviation Noise Contours as established by the NAS Whidbey Island AICUZ study program and placed on the official zoning map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.
- (7) "Noise" means aircraft or other noise that interferes with speech and hearing, or is intensive enough to damage hearing, or is otherwise annoying.
- (8) "Interior noise level" means the sound level of noise in any habitable room with windows and doors closed. (Ord. [1455](#) § 2, 2006; Ord. [1319](#) § 1, 2002; Ord. 929 § 1, 1992).

17.30.130 Design requirements.

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

Table 17.30.130: Compatibility

Land Use	Subdistrict A 60 – 65 Ldn	Subdistrict B 65 – 75 Ldn	Subdistrict C 75 and above Ldn
Residential			
Single- and two-family, multifamily	Y 25 NLR	Y 30 NLR	N
Manufactured housing, mobile homes	Y ¹ 25 NLR	Y ¹ 30 NLR	N
Hotels, motels and lodges	Y 25 NLR	Y 30 NLR	N
Commercial			
Retail	Y ²	Y ³	Y ³
Business services	Y ²	Y ³	Y ³
Personal services	Y ²	Y ³	Y ³
Professional services	Y ²	Y ³	Y ³
Offices	Y ²	Y ³	Y ³
Movie theaters, restaurants	Y ²	Y ³	Y ³
R & D laboratories	Y ²	Y ³	Y ³
All other commercial	Y ²	Y ³	Y ³
Manufacturing			
Manufacturing, warehousing, distribution	Y ²	Y ³	Y ³
Wholesale commercial	Y ²	Y ³	Y ³
All other manufacturing	Y ²	Y ³	Y ³
Public and Semiprivate			
Hospitals, nursing homes	Y 25 NLR	Y 30 NLR	N
Other medical facilities	Y 25 NLR	Y 30 NLR	N
Educational facilities, libraries, preschools	Y 25 NLR	Y 30 NLR	N
Houses of worship, public assembly	Y 25 NLR	Y 30 NLR	N
Government facilities	Y 25 NLR	Y 30 NLR	Y 30 NLR
Crematory or mortuary, but only if adjacent to or across the street from a cemetery	Y ²	Y ³	Y ³


1. New modular, factory-built or manufactured homes constructed after the date of the ordinance codified in this section shall comply with these requirements. Mobile homes may be replaced within existing mobile home parks on existing mobile home spaces without complying with these requirements. Creation of mobile home subdivisions located within the designated noise zones shall be made to comply with all requirements of this chapter.
2. Measures to achieve a NLR of 25 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.
3. Measures to achieve a NLR of 30 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.

(Ord. [1517](#) § 1, 2007; Ord. [1455](#) § 2, 2006; Ord. 929 § 1, 1992).

17.30.135 Designated noise subdistricts.

- (1) Noise-determined construction requirements detailed in this sound transmission building code shall be applied to new construction and additions of structures, except for not normally inhabited portions of storage buildings, garages and similar structures as determined by the building official, within the designated noise subdistricts as set out in the Oak Harbor official zoning map.
 - (2) These contours are shown on the Oak Harbor official zoning map filed in the city clerk's office prior to adoption of the ordinance codified in this section and by this reference made a part of this section, a copy of which is on record in the office of the director of development services. This map shall be available for public inspection.
 - (3) The subdistricts shall have the following requirements:
 - (a) A 25-dB noise level reduction shall be required in the 60 to 65 Ldn noise-exposure zone as defined on the Oak Harbor official zoning map as noise subdistrict A.
 - (b) A 30-dB noise level reduction shall be required in the 65 and above Ldn noise-exposure zone as defined on the Oak Harbor official zoning map as noise subdistricts B and C.
- (Ord. [1455](#) § 2, 2006; Ord. [1319](#) § 2, 2002; Ord. [1273](#) § 9, 2001; Ord. 929 § 1, 1992).

17.30.140 Air leakage for all buildings.

 SHARE

- (1) The requirements of this section shall apply to the design of the exterior envelope of all buildings in the designated noise zones designed for human occupancy. The requirements of this section are not applicable to the separation of interior spaces from each other.
- (2) The following locations shall be sealed, caulked, gasketed or weatherstripped to limit or eliminate air infiltration:
 - (a) Exterior joints around windows and door frames between the window or door frame and the framing;

- (b) Openings between walls and foundations;
- (c) Between the wall sole plate and the rough flooring;
- (d) Openings at penetrations of utility services through walls, floor, and roofs;
- (e) Between wall panels at corners;
- (f) All other such openings in the building envelope.

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

Article II. Noise Level Reduction – 25 Decibels

17.30.145 Compliance.

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

17.30.150 Exterior walls.

- (1) Exterior walls, other than as described in this section, shall have an average laboratory sound transmission class rating of at least STC-30; or
- (2) Masonry walls having a weight of at least 25 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered;
- (3) Stud walls shall be at least four inches in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish.
 - (a) The interior surface of the exterior walls shall be of gypsum board or plaster at least one-half inch thick, installed on the studs.
 - (b) Continuous composition board, plywood or gypsum board sheathing at least one-half inch thick or equivalent shall cover the exterior side of the wall studs.
 - (c) Sheathing panels shall be covered on the exterior with overlapping building paper.
 - (d) Insulation material at least R-13 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool, or foam plastic insulation complying with UBC Standard 42-1. (Ord. 929 § 1, 1992).

17.30.155 Exterior windows.

- (1) Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC-28; or

(2) Windows shall be double-glazed with one pane at least three-sixteenths of an inch thick. Panes of glass shall be separated by a minimum of one-half inch airspace.

(3) All openable windows shall be weatherstripped and airtight when closed so as to conform to an air infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.

(4) Glass shall be sealed in an airtight manner with a nonhardening sealant or a soft elastomer gasket or gasket tape.

(5) The perimeter of window frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-0230 or TT-SS-00153. (Ord. 929 § 1, 1992).

17.30.160 Exterior doors.

(1) Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC-26; or

(2) All exterior side-hinged doors shall be solid-core wood or insulated hollow metal at least one-and-three-quarters inch thick and shall be fully weatherstripped.

(3) Exterior sliding doors shall be weatherstripped with an efficient airtight gasket system with performance as specified in OHMC [17.30.155](#) (3). The glass in the sliding doors shall be double glazed with panes at least three-sixteenths of an inch thick.

(4) Glass, over two square feet in area, in doors shall be sealed in an airtight sealant or in a soft elastomer gasket or glazing tape.

(5) The perimeter of door frames shall be sealed airtight to the exterior wall construction as described in OHMC [17.30.155](#)(5). (Ord. 929 § 1, 1992).

17.30.165 Roofs.

(1) Combined roof and ceiling construction other than described in this section and OHMC [17.30.170](#) shall have an average laboratory sound transmission class rating of at least STC-39; or

(2) With an attic or rafter space at least 12 inches deep, and with a ceiling below, the roof shall consist of one-half inch composition board, plywood or gypsum board sheathing topped by roofing as required;

(3) Open-beam roof construction shall follow the energy insulation standard method for batt insulation;

(4) Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33. (Ord. 929 § 1, 1992).

17.30.170 Ceilings.

(1) Gypsum board or plaster ceilings shall be five-eighths of an inch thick. Ceilings shall be substantially airtight with a minimum of penetrations.

(2) Glass fiber, mineral wool, or foam plastic insulation at least R-30 shall be provided above the ceiling between joists. (Ord. 929 § 1, 1992).

17.30.175 Ventilation.

(1) A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet-metal transfer ducts of at least 20 gauge steel, which shall be lined with one-inch-thick coated glass fiber, and shall be at least five feet long with one 90-degree bend.

(2) Gravity vent openings in attics shall be as close to code minimum in number and size as practical.

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

(4) Fireplaces shall be provided with well-fitted dampers and tightly fitting glass or metal doors. (Ord. 929 § 1, 1992).

Article III. Noise Level Reduction – 30 Decibels

17.30.180 Compliance.

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

17.30.185 Exterior walls.

(1) Exterior walls, other than as described in this section, shall have an average laboratory sound-transmission class rating of at least STC-35; or

(2) Masonry walls having a weight of at least 40 pounds per square foot do not require a furred (stud) interior wall. At least one surface of concrete block walls shall be plastered;

(3) Stud walls shall be at least six inches nominal depth and shall be finished on the outside with solid sheathing under a code-approved exterior wall finish.

(a) The interior surface of the exterior walls shall be of gypsum board or plaster at least five-eighths of an inch thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco. If the exterior is siding on sheathing, the interior gypsum board or plaster must be fastened resiliently to the studs.

(b) Continuous composition board, plywood, or gypsum board sheathing at least five-eighths of an inch thick shall cover the exterior side of the wall studs.

(c) Sheathing panels shall be covered on the exterior with overlapping building paper.

(d) Insulation material at least R-19 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs. Insulation shall be glass fiber, mineral wool or foam plastic insulation complying with UBC Standard 42-1. (Ord. 929 § 1, 1992).

17.30.190 Exterior windows.

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

(2) Windows shall be double-glazed, with panes at least three-sixteenths of an inch thick. Panes of glass shall be separated by a minimum five-eighths of an inch airspace.

(3) Double-glazed windows shall employ fixed sash or efficiently weatherstripped, operable sash. The sash shall be rigid and weatherstripped with material that is compressed airtight when the window is closed so as to conform to an infiltration test not to exceed 0.5 cubic foot per minute per foot of crack length in accordance with ASTM E283-65-T.

(4) Glass shall be sealed in an airtight manner with a nonhardening sealant or a soft elastomer gasket or gasket tape.

(5) The perimeter of window frames shall be sealed airtight to the exterior wall construction sealant conforming to one of the following Federal specifications: TT-S-0027, TT-S-00230 or TT-S-00153. (Ord. 929 § 1, 1992).

17.30.195 Exterior doors.

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

(2) Double-door construction is required for all door openings to the exterior. Openings fitted with side-hinged doors shall have one solid-core wood or insulated hollow-metal door at least one and three-quarters-inch thick separated by an airspace of at least three inches from another door, which can be a storm door. Both doors shall be tightly fitted and weatherstripped;

(3) The glass of double-glazed sliding doors shall be separated by a minimum one-half inch airspace. Each sliding frame shall be provided with an efficiently airtight weatherstripping material as specified in OHMC [17.30.190](#)(3);

(4) Glass, over two square feet in area, shall be at least three-sixteenths of an inch thick. Glass of double sliding doors shall not be equal in thickness.

(5) The perimeter of door frames shall be sealed airtight to the exterior wall construction (framing) as indicated in OHMC [17.30.190](#)(5);

(6) Glass in doors shall be sealed in an airtight nonhardening sealant or in a soft elastomer gasket or glazing tape. (Ord. 929 § 1, 1992).

17.30.200 Roofs.

(1) Combined roof and ceiling construction other than described in this section and OHMC [17.30.205](#) shall have an average laboratory sound-transmission class rating of at least STC-44; or

(2) With an attic or rafter space at least 12 inches deep, and with a ceiling below, the roof shall consist of five-eighths inch composition board, plywood or gypsum board sheathing topped by roofing as required;

(3) Open-beamed roof construction shall follow the energy insulation standard method for batt insulation, except use one-inch plywood decking with shakes or other suitable roofing material;

(4) Window or dome skylights shall have a laboratory sound-transmission class rating of at least STC-33. (Ord. 929 § 1, 1992).

17.30.205 Ceilings.

(1) Gypsum board or plaster ceilings shall be at least five-eighths inch thick. Ceilings shall be substantially airtight with a minimum of penetrations.

(2) Glass fiber, mineral wool, or foam plastic insulation at least R-30 shall be provided above the ceiling between joists. (Ord. 929 § 1, 1992).

17.30.210 Floors.

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

17.30.215 Ventilation.

(1) A ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior. The inlet and discharge openings shall be fitted with sheet-metal transfer ducts of at least 20 gauge steel, which shall be lined with one-inch-thick coated glass fiber, and shall be at least five feet long with one 90-degree bend.

(2) Gravity vent openings in attics shall be as close to code minimum, in number and size, as practical. The openings shall be fitted with transfer ducts at least three feet in length containing

internal one-inch-thick coated fiberglass sound-absorbing duct lining. Each duct shall have a lined 90-degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

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

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

[1](#) For provisions on the airport environs overlay zone, see Chapter [19.50](#) OHMC.

City of Oak Harbor Municipal Code Chapter 19.20:
Zoning Districts

Chapter 19.20

ZONING DISTRICTS

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Article I. PRE – Planned Residential Estate

19.20.005 Purpose and intent.

The planned residential estate (PRE) district is intended to provide existing rural uses in the areas of the expanded urban growth area which, because of surrounding land uses, noise impacts from the Naval Air Station, environmentally sensitive area, and existing land use patterns, are better planned for preservation of low-density uses under a master planned concept. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.010 Principal permitted uses.

In a PRE district, the following are principal permitted buildings and uses:

- (1) One single-family detached dwelling structure on each lot.

(2) Development under a planned residential development as per Chapter [19.31](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.015 Accessory permitted uses.

In a PRE district, the following are accessory permitted uses:

(1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;

(2) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located within the setback lines of the lot;

(3) Home occupations as regulated in Chapter [19.34](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.020 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a PRE district when approved in conformance with Chapter [19.67](#) OHMC:

(1) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located outside of the setback lines of the lot. The permit may be granted only when:

(a) Reception cannot be obtained when located within the setback lines;

(b) The location in a setback yard does not block the view of Oak Harbor Bay proposed from other property;

(c) The antenna does not cause a danger to adjacent properties. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.025 Density provisions.

Specific densities shall be determined by the planning commission based on the criteria established under the provisions of Chapter [19.48](#) OHMC.

(1) Minimum density, zero DU/AC; maximum density, three DU/AC.

(2) Minimum front yard, 30 feet; or as established by the master plan.

(3) Minimum side yard setbacks are 10 feet; or as established by the master plan.

(4) Minimum side yard along the flanking street of a corner lot, 20 feet; or as established by the master plan.

- (5) Minimum rear yard, 30 feet; or as established by the master plan.
- (6) Maximum building height, 35 feet; or as established by the master plan.
- (7) Maximum lot coverage, 35 percent of lot area; or less as established by the master plan.
- (8) Minimum lot size, 15,000 square feet; or as established by the master plan.
- (9) Development as a planned residential development may occur subject to Chapter [19.31](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.030 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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.035 Combined applications.

- (1) The preliminary master plan and the final master plan may be combined and together processed through review as a final development plan.
- (2) The application may be filed by either of the following:
 - (a) The Oak Harbor planning department for all or any portion of the district; or
 - (b) The owner, or owners in a joint application, of more than 10 acres.
- (3) A concurrent subdivision application, meeting the requirements of OHMC Title [21](#), may be processed concurrently with the planned residential estate application.
- (4) The applicant may file a concurrent rezone application, meeting the requirements where such application is consistent with the Oak Harbor comprehensive plan, which shall proceed concurrently with the planned residential estate application.
- (5) In case of conflict between time limits set forth in this title and in other provisions of the Oak Harbor Municipal Code or applicable state law, those provisions requiring public notice to be given the furthest in advance of the pending action shall prevail over conflicting provisions specifying that notice shall be given within a shorter time prior to the action; likewise, any conflict in provisions requiring a specific action on the part of the city, or any body thereof, within a specific time period shall be resolved in favor of those provisions requiring action within the lesser period of time. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.040 Preapplication meeting.

Prior to formal submittal of the application by any owner or owners, the applicant(s) may present to the planning department a master plan, which shall contain, in a rough and approximate manner, all of the information required for the application under OHMC [19.20.050](#). Upon submittal, the planning department shall schedule a meeting with representatives of applicable city departments. The

planning director may also invite, because of the nature, size and scope of the development, others outside of the city to participate in the preapplication meeting. The purpose of the meeting is to enable the applicant to obtain the advice of city staff as to the intent, standards and provisions of this code with regard to the proposed plan. Information presented for and at the preapplication meeting shall not be a part of the public record as no applications are submitted for formal review. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.045 Application requirements.

An application by an owner or owners for approval of a proposed planned residential estate shall be made to the planning director upon forms furnished by the city. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit or their duly authorized agent or agents. The ownership of all parcels to be included must be represented in the application. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.050 Master plan – Filing requirements.

Any owner or owners filing an application shall file with the planning director a master plan, including the following:

- (1) A legal description of the site and plot plan indicating location of all existing and proposed adjacent streets, private rights-of-way and easements;
- (2) Twenty copies of the proposed site plan and/or drawings, which include the following information:
 - (a) Topographic contours at a minimum interval of 10 feet;
 - (b) The general location of all areas proposed for buildings and structures;
 - (c) Location and nature of vehicular and pedestrian circulation features within the site and adjacent streets and alleys;
 - (d) The extent, location, arrangement and proposed improvements of all open space, and common areas;
 - (e) Location, nature and dimension (where applicable) of all utilities including fire protection facilities;
- (3) A text describing any conditions or features which cannot be adequately displayed on maps or drawings. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.055 Master plan – Staff recommendation.

After receiving the master plan, the planning director shall route the same to all appropriate city departments, and each department shall submit to the planning director comments and recommendations. After receiving such information from the city departments, the planning director shall present recommendations and conclusions before the planning commission at the public hearing on the master plan. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.060 Master plan – Public hearing.

The master plan shall be considered at a public hearing before the planning commission after notice given in the manner required by Chapter [18.20](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.065 Master plan – Planning commission review.

Following the public hearing, the planning commission may approve as proposed, approve with changes or disapprove the application and the accompanying master plan. The commission's action shall be based on the following criteria:

- (1) The proposal meets the requirements of this title;
- (2) The densities permitted shall be based on:
 - (a) Potential impacts to and from surrounding land uses, such as noise impacts from the Naval Air Station;
 - (b) The presence of environmentally sensitive areas; and/or
 - (c) Existing land use pattern;
- (3) The proposal shall not be detrimental to existing or potential surrounding land uses as defined by the Oak Harbor comprehensive plan. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.070 Master plan – Council review.

If and when the commission approves said application or if approval is granted by decree of commission action, the city council shall be informed of such action and shall indicate its concurrence or disapproval. The determination of the council shall become final 10 days after the date of decision unless directed otherwise or appealed to the city council in accordance with OHMC [19.20.580](#). (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.075 Modifications to the plan.

Requests for modifications of the master plan shall be made in writing and shall be submitted to the planning department in the manner and form prescribed by the planning director.

- (1) Modifications shall be deemed minor if the proposal does not change any of the following:
 - (a) Land uses;
 - (b) General location or number of access points, or general circulation patterns; and
 - (c) The amount of open space.
- (2) Examples of minor modifications include but are not limited to lot line adjustments, minor changes in setbacks and building height (10 percent or less) and the location of open space.

(3) Minor modifications may be approved by the planning director.

(4) Major modifications are those which, as determined by the planning director, substantially change the basic intent of the master plan or change to overall density greater than 10 percent. Major changes to master plans shall be reviewed by the planning commission and city council under the same process as outlined under OHMC [19.20.540](#) and [19.20.550](#). (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.080 Adherence to approved plan.

(1) The building official shall only issue building permits for buildings and structures which conform with the approved master plan and with all other applicable city ordinances, regulations, applicable rezone, annexation or development agreements.

(2) No building permit shall be issued on a lot where there is a current violation of the zoning code or a misuse of public easements to the property. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.085 Subdivision requirements.

The approval of a subdivision shall be required of all projects which involve or contemplate the subdivision of land and the procedures set forth in the Oak Harbor subdivision ordinance, codified in OHMC Title [21](#), shall be followed concurrently herewith. The approved final master plan shall be a binding site plan under RCW [58.17.040](#)(5), so that a lease of land shall be exempt from the subdivision ordinance if the lease conforms to the final master plan. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.090 Lots subject to final master plan.

All lots or other divisions of a subdivided planned residential estates development shall remain subject to compliance with the final master plan regardless of compliance with OHMC Title [21](#), or subsequent conveyance of such individual lots. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.095 Judicial review.

Any legal action to review a decision of the city council or planning commission under this title shall be filed in Island County superior court within 30 days of the decision, notwithstanding the effective date of any ordinance passed or proposed to effectuate said decision. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article II. R-1 – Single-Family Residential

19.20.100 Purpose and intent.

The R-1 single-family residential district is intended for low-density, urban, single-family residential uses, while providing sufficient density to allow the city to effectively provide needed urban services. Manufactured home subdivisions are also allowed in this zone. The densities for this district range between a minimum of three units per gross acre and a maximum of six units per gross acre. (Ord. 1671 § 2, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.105 Principal permitted uses.

In an R-1 district, the following are principal permitted uses:

- (1) One single-family detached dwelling structure on each lot;
- (2) Development under a planned residential development as per Chapter [19.31](#) OHMC;
- (3) Manufactured home subdivisions as defined by OHMC [19.08.565](#) and in compliance with Chapter [19.25](#) OHMC. (Ord. 1671 § 2, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.110 Accessory permitted uses.

In an R-1 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops, and barns; provided, that none shall be rented or occupied for gain;
- (2) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located within the setback lines of the lot. (Ord. 1671 § 2, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.115 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-1 district when authorized by the hearing examiner:

- (1) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located outside of the setback lines of the lot when:
 - (a) Reception cannot be obtained when located within the setback lines;
 - (b) The location in a setback yard does not block the view of Oak Harbor Bay proposed from other property;
 - (c) The antenna does not cause a danger to adjacent properties;
 - (d) The antenna installation complies with all other zoning and building provisions of this code.
- (2) Assisted living facility.
- (3) Bed and breakfast rooms (residential only) subject to the following conditions:
 - (a) A resident is domiciled on site.

(b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC [19.44.100](#). The size and dimensional requirements of Chapter [19.44](#) OHMC are not required to be met.

(c) Signs shall be permitted per OHMC [19.36.070](#).

(d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests.

(e) Bed and breakfast rooms (residential) shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.

(f) If exterior lighting is proposed for the bed and breakfast room (residential) establishment, it shall be downward directed so as not to impact adjacent properties.

(4) Cemetery, mausoleum, or crematorium, but only in connection therewith.

(5) Churches and associated rectories, convents or other similar structures.

(6) Community center building.

(7) Excavations, other than simple foundation.

(8) Garages, for storage only of automobiles as an accessory to a public or quasi-public institution.

(9) Golf course, including club house, but not an independent pitch-and-putt course, golf driving range or miniature golf.

(10) Government buildings for administrative or protective services, government storage yards, treatment plants, well sites, pump stations and sanitary landfills.

(11) Group home.

(12) Home occupations as regulated in Chapter [19.34](#) OHMC.

(13) Hospital.

(14) Landfills, reclamation to improve steep, low or otherwise unusable land.

(15) Mortuaries.

(16) Nursery and landscape material, including greenhouses.

(17) Private club, lodge, social or recreation building or community assembly hall (except those having a chief activity carried on for monetary gain); provided, that the buildings used for such purpose may require additional front, rear or side yard setback from an adjoining lot in any residential district beyond the established requirements in the parent zoning district.

(18) Private nursery school, foster home, kindergarten, or child day care center, not qualifying as a home occupation, on a legal lot, provided there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight.

(19) Private park or recreational area operated by a nonprofit community organization or association as a neighborhood playground, or local community recreational area, operated for the benefit of and exclusive use of members and their invited guests. Applications for a conditional use under this section shall state the specific use or uses to which the proposed neighborhood playground or local community recreational area shall be put. Conditional uses granted under this section shall be limited to one or more of the specific use or uses requested. Any use or uses in addition to or different from those specifically permitted by the hearing examiner hereunder shall require the separate approval of the hearing examiner. Included within the generality of the phrase "neighborhood playground, or local community recreational areas," but not limited thereto, are swimming pools, community beaches and tennis courts, together with appurtenances thereto.

(20) Public school.

(21) Public or private college.

(22) Public, private or parochial school and supporting dormitory facilities.

(23) Public or semi-public building serving as a library, museum or other similar purpose.

(24) Public transportation shelter stations.

(25) Public utility and communications facility, such as a branch telephone exchange, static transformer, booster station, or pumping station, provided there shall be no service or storage buildings or yards in connection therewith.

(26) Radio and television broadcasting stations and towers.

(27) Rapid transit terminals.

(28) Skilled nursing facility. (Ord. 1671 § 2, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.120 Density provisions.

For single-family dwelling structures, in an R-1 district, the following density provisions apply:

(1) Minimum density, three DU/AC; maximum density, six DU/AC;

(2) Minimum lot area, 7,200 square feet;

(3) Minimum lot width, 60 feet;

(4) Minimum lot depth, 90 feet;

(5) Minimum front yard, 20 feet;

(6) Minimum side yard setbacks are 12 feet and five feet; however, minimum side yard along the flanking street of a corner lot, 15 feet;

(7) Minimum rear yard, 20 feet;

(8) Maximum building height, 35 feet;

(9) Maximum lot coverage, 35 percent of lot area;

(10) An accessory building or buildings of less than 600 total square feet in building area and 15 feet in building height may be constructed in the rear yard a minimum of five feet from property lines and providing 10 feet of unencumbered space between the principal structure and the accessory building(s). Additional building height is permitted with a corresponding increase in setback up to the maximum height in the zone district; or, location within the principle building setbacks. The exterior design of accessory buildings shall match or complement the design and materials of the primary structure on the property. The maximum building area of an accessory structure shall not exceed 50 percent of the building area of the primary structure;

(11) Development as a planned residential development may occur subject to Chapter [19.31](#) OHMC. (Ord. 1910 § 1, 2020; Ord. 1671 § 2, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article III. R-2 – Limited Multiple-Family Residential

19.20.125 Purpose and intent.

The R-2 limited multiple-family residential district is intended for medium density residential housing. Manufactured home subdivisions and parks are allowed in this zone. The densities for this district range between a minimum density of three units per gross acre and a maximum density of 12 units per gross acre. The R-2 districts are intended only for those areas having safe and convenient access to improved collector or arterial streets and adequate public services. (Ord. 1671 § 3, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.130 Principal permitted uses.

In an R-2 district, the following are principal permitted buildings and uses:

(1) Principal use permitted in an R-1 district;

(2) Duplexes, two-family dwelling structures;

(3) Multifamily dwellings;

(4) Development under a planned residential development as per Chapter [19.31](#) OHMC;

(5) Manufactured home subdivisions and parks in compliance with Chapter [19.25](#) OHMC. (Ord. 1671 § 3, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.135 Accessory permitted uses.

In an R-2 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;
- (2) Television satellite dish reflectors, ground-mounted within required building setback lines. (Ord. 1671 § 3, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.140 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-2 district when authorized by the hearing examiner:

- (1) Any conditional use permitted in an R-1 district;
- (2) Bed and breakfast rooms (residential only) subject to the following conditions:
 - (a) A resident is domiciled on site.
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC [19.44.100](#). The size and dimensional requirements of Chapter [19.44](#) OHMC are not required to be met.
 - (c) Signs shall be permitted as per OHMC [19.36.060](#).
 - (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests.
 - (e) Bed and breakfast rooms (residential) shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.
 - (f) If exterior lighting is proposed for the bed and breakfast room (residential) establishment, it shall be downward directed so as not to impact adjacent properties. (Ord. 1671 § 3, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.145 Density provisions.

In an R-2 district, the following density provisions apply:

- (1) Minimum density, three DU/AC; maximum density, 12 DU/AC;
- (2) Minimum lot area, 6,000 square feet;
- (3) Minimum lot width, 60 feet;

(4) Minimum lot depth, 90 feet;

(5) Minimum front yard setback, 20 feet; see also subsection (6) of this section;

(6) Minimum side yard setbacks are 20 feet, five feet on one side for duplexes and multiple-family dwellings while single-family detached dwelling structures must provide minimum 12-foot and five-foot side yard setbacks. For both single-family and multiple-family dwellings, side yard along the flanking street of a corner lot is 15 feet (see also subsection (7) of this section);

(7) Minimum rear yard setbacks where distinguishable from side yards and where required for a platted lot shall not be less than 25 feet for duplexes and multiple-family dwellings, while for single-family detached dwelling structures they shall not be less than 20 feet. In addition to the above, any building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard setback for each additional story;

(8) Maximum building height, 35 feet;

(9) Maximum lot coverage by buildings, 45 percent. A minimum of 20 percent of lot is to be kept free of impervious surfacing;

(10) An accessory building or buildings of less than 600 total square feet in building area and 15 feet in building height may be constructed in the rear yard a minimum of five feet from property lines and providing 10 feet of unencumbered space between the principal structure and the accessory building(s). Additional building height is permitted with a corresponding increase in setback up to the maximum height in the zone district; or, location within the principal building setbacks. The exterior design of accessory buildings shall match or complement the design and materials of the primary structure on the property. The maximum building area of an accessory structure shall not exceed 50 percent of the building area of the primary structure;

(11) Development may occur as a planned residential development subject to Chapter [19.31](#) OHMC. (Ord. 1910 § 2, 2020; Ord. 1671 § 3, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.150 Landscaping requirements.

Except for single-family dwellings and duplexes, landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. 1671 § 3, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.155 Site plan review required.

Site plan review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1671 § 3, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article IV. R-3 – Multiple-Family Residential

19.20.160 Purpose and intent.

The R-3 multiple-family residential district is intended to provide for and protect areas for medium- to high-density multiple-family residential development. The densities for this district range between a

minimum density of six units per gross acre and a maximum density of 16 units per gross acre. The R-3 districts are intended only for those areas adjacent to arterials or collector streets, without generation of additional traffic upon residential streets, and with adequate public services. (Ord. 1671 § 4, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.165 Principal permitted uses.

In an R-3 district, the following are principal permitted buildings and uses:

- (1) Principal uses permitted in an R-2 district, except single-family uses;
- (2) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises.
 - (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of Chapter [19.44](#) OHMC.
 - (c) Signs shall be permitted as per OHMC [19.36.060](#).
 - (d) Bed and breakfast inns shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.
 - (f) If exterior lighting is proposed for the bed and breakfast inn establishment, it shall be downward directed so as not to impact adjacent properties.
- (3) Bed and breakfast rooms (residential only) subject to the following conditions:
 - (a) A resident is domiciled on site.
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC [19.44.100](#). The size and dimensional requirements of Chapter [19.44](#) OHMC are not required to be met.
 - (c) Signs shall be permitted as per OHMC [19.36.060](#).
 - (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests.
 - (e) Bed and breakfast rooms (residential) shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.
 - (f) If exterior lighting is proposed for the bed and breakfast room (residential) establishment, it shall be downward directed so as not to impact adjacent properties.
- (4) Manufactured home park, subject to the provisions of Chapter [19.25](#) OHMC;
- (5) Multifamily dwellings;

(6) Development under a planned residential development as per Chapter [19.31](#) OHMC. (Ord. 1671 § 4, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.170 Accessory permitted uses.

In an R-3 district, the following are accessory permitted uses:

(1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;

(2) Television satellite dish reflectors, ground-mounted within required building setback lines. (Ord. 1671 § 4, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.175 Conditional uses permitted.

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

(1) Any conditional use permitted in an R-2 district;

(2) Assembly hall;

(3) Gymnasium or stadium in connection with public or private schools certified by the State of Washington Board of Education. (Ord. 1671 § 4, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.180 Density provisions.

In an R-3 district, the following density provisions apply:

(1) Minimum density, six DU/AC; maximum, 16 DU/AC;

(2) Minimum lot area, 6,000 square feet;

(3) Minimum lot width, 60 feet;

(4) Minimum lot depth, 90 feet;

(5) Minimum front yard setback, 20 feet; see subsection (7) of this section;

(6) Minimum side yard setbacks are 20 feet, five feet on one side. Minimum side yard along flanking street of a corner lot is 15 feet; see subsection (7) of this section;

(7) Minimum rear yard setbacks, where distinguishable from side yards and where required for a platted lot, shall not be less than 25 feet. In addition to the above, any building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard setback for each additional story;

(8) Maximum building height, 35 feet;

(9) Maximum lot coverage by buildings, 45 percent. A minimum of 20 percent of lot area is to be kept free of impervious surfacing;

(10) An accessory building or buildings of less than 600 total square feet in building area and 15 feet in building height may be constructed in the rear yard a minimum of five feet from property lines and providing 10 feet of unencumbered space between the principal structure and the accessory building(s). Additional building height is permitted with a corresponding increase in setback up to the maximum height in the zone district; or, location within the principal building setbacks. The exterior design of accessory buildings shall match or complement the design and materials of the primary structure on the property. The maximum building area of an accessory structure shall not exceed 50 percent of the building area of the primary structure;

(11) Development as a planned residential development may occur subject to Chapter [19.31](#) OHMC. (Ord. 1910 § 3, 2020; Ord. 1671 § 4, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.185 Landscaping requirements.

Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. 1671 § 4, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.190 Site plan review required.

Site plan review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1671 § 4, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article V. R-4 – Multiple-Family Residential

19.20.195 Purpose and intent.

The R-4 multiple-family residential district is intended to provide for and protect areas for high density multiple-family residential development for persons who desire to live in an apartment environment. The densities for this district range between a minimum of 12 units per gross acre and a maximum density of 22 units per gross acre. The R-4 district shall be considered only for those areas adjacent to arterials or collector streets. Safe and convenient streets must be available or developed to the district without generation of additional traffic upon residential streets. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.200 Principal permitted uses.

In an R-4 district, the following are principal permitted buildings and uses:

(1) Principal uses permitted in an R-3 district;

(2) Multifamily dwellings;

(3) Development under a planned residential development as per Chapter [19.31](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.205 Accessory permitted uses.

In an R-4 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;
- (2) Television satellite dish reflectors, ground-mounted within required building setback lines. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.210 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-4 district when authorized by the hearing examiner:

- (1) Any conditional use permitted in an R-3 district;
- (2) Roller rink;
- (3) Dance and music school. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.215 Density provisions.

In an R-4 district, the following density provisions apply:

- (1) Minimum density, 12 DU/AC; maximum density, 22 DU/AC;
- (2) Minimum lot area, 6,000 square feet;
- (3) Minimum lot width, 72 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard setback, 20 feet; see subsection (7) of this section;
- (6) Minimum side yard setbacks are 20 feet, five feet on one side. Minimum side yard along the flanking street of a corner lot is 15 feet;
- (7) Minimum rear yard setbacks where distinguishable from side yards and where required for a platted lot shall not be less than 25 feet. In addition to the above, any building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard for each additional story;
- (8) Maximum building height, 35 feet;
- (9) Maximum lot coverage by buildings, 45 percent. A minimum of 20 percent of lot area is to be kept free of impervious surfacing;

(10) An accessory building or buildings of less than 600 total square feet building area and 15 feet in building height may be constructed in the rear yard a minimum of five feet from property lines and providing 10 feet of unencumbered space between the principal structure and the accessory building(s). Additional building height is permitted with a corresponding increase in setback up to the maximum height in the zone district; or, location within the principal building setbacks. The exterior design of accessory buildings shall match or complement the design and materials of the primary structure on the property. The maximum building area of an accessory structure shall not exceed 50 percent of the building area of the primary structure;

(11) Development may occur as a planned residential development subject to Chapter [19.31](#) OHMC. (Ord. 1910 § 4, 2020; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.220 Landscaping requirements.

Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.225 Site plan review required.

Site plan review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article VI. RO – Residential Office

19.20.230 Purpose and intent.

It is the purpose of the RO residential office district to provide for areas appropriate for professional and administrative offices. It is intended that such districts shall buffer residential districts and the development standards are such that office uses should be compatible with residential districts. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.235 Principal permitted uses.

In an RO district, the following are principal permitted uses:

(1) Offices for the following:

(a) Accountants;

(b) Attorneys;

(c) Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state of Washington to practice the healing arts;

(d) Engineers, architects, surveyors, planners and those engaged in the practice of drafting or graphics;

(e) Insurance brokers;

- (f) Lumber brokers;
- (g) Real estate sales;
- (h) Stockbrokers;
- (i) Software developers;
- (j) Offices similar to the above but not specifically listed; subject to approval by the planning director;

(2) Principal uses permitted outright in an R-4 district;

(3) 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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.240 Accessory permitted uses.

(1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;

(2) Gardening and horticultural activities and related structures for noncommercial purposes;

(3) Television satellite dish reflectors, ground-mounted within required building setback lines. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.245 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an RO district when authorized by the hearing examiner:

(1) Any conditional uses permitted in an R-4 district;

(2) Restaurants, excluding drive-up windows; provided, that any area devoted to a bar must be less than 20 percent of the restaurant seating area. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.250 Density provisions.

In an RO district, the following density provisions apply:

(1) Minimum lot area, 7,200 square feet;

(2) Minimum lot width, 72 feet;

(3) Minimum lot depth, 90 feet;

(4) Minimum front yard, 20 feet; see subsection (6) of this section;

(5) Minimum side yard setbacks are 12 feet and five feet on one side, except on corner lots abutting a public street, then 20 feet;

(6) Minimum rear yard, 20 feet except when abutting a public street, then 35 feet. In addition to the above, any building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard setback for each additional story;

(7) Maximum building height, 35 feet;

(8) Maximum lot coverage by building, 45 percent. A minimum of 20 percent of lot area is to be kept free of impervious surfacing;

(9) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line, provided there is six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.255 Landscaping requirements.

(1) All nonresidential development shall be in accordance with the provisions of the Oak Harbor design guidelines.

(2) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.260 Site plan and design review required.

Site plan and design review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article VII. C-1 – Neighborhood Commercial

19.20.265 Purpose and intent.

The C-1 neighborhood commercial district is intended to provide for limited commercial facilities serving residents of the surrounding residential district. (Ord. 1671 § 5, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.270 Principal permitted uses.

In a C-1 district, the following are principal permitted uses:

(1) Principal uses permitted in an RO district;

(2) Artist's studios and supplies;

- (3) Auto convenience market;
- (4) Bakery, retail only;
- (5) Barber shop or beauty shop;
- (6) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises.
 - (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of Chapter [19.44](#) OHMC.
 - (c) Signs shall meet the requirements of OHMC [19.36.040](#).
 - (d) Bed and breakfast inns shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.
 - (e) If exterior lighting is proposed for the bed and breakfast inn establishment, it shall be downward directed so as not to impact adjacent properties.
- (7) Bed and breakfast rooms (residential or commercial) subject to the following conditions:
 - (a) A resident or manager is domiciled on site.
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC [19.44.100](#). The size and dimensional requirements of Chapter [19.44](#) OHMC are not required to be met.
 - (c) Signs shall meet the requirements of Chapter [19.36](#) OHMC.
 - (d) Bed and breakfast rooms (residential or commercial) shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.
 - (e) If exterior lighting is proposed for the bed and breakfast room (residential or commercial), it shall be downward directed so as not to impact adjacent properties.
- (8) Book and stationery store;
- (9) Clothing store;
- (10) Confectionery;
- (11) Dairy products, retail only;
- (12) Delicatessen;
- (13) Dress and millinery shop;

- (14) Drug store, including fountain;
- (15) Dry cleaners;
- (16) Florist shop;
- (17) Garden supplies and horticultural nursery, not including greenhouses;
- (18) Grocery store;
- (19) Hardware store;
- (20) Health club;
- (21) Laundry, self-service;
- (22) Library;
- (23) Office supply and equipment store;
- (24) Photographic studio and supplies;
- (25) Private nursery school, child day care center or kindergarten, provided there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- (26) Radio and television sales and service;
- (27) Restaurant, including sidewalk cafes;
- (28) Service station;
- (29) Single-family residential uses when located on the second floor above a permitted use;
- (30) Shoe repair shop;
- (31) Variety store;
- (32) 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. (Ord. 1671 § 5, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.275 Accessory permitted uses.

In a C-1 district, 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;

(4) Outdoor storage as an accessory use is not permitted. (Ord. 1671 § 5, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.280 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a C-1 district when authorized by the hearing examiner:

(1) Church;

(2) Excavations, other than simple foundation;

(3) Garages, for storage only of automobiles as an accessory to a public or quasi-public institution;

(4) Governmental buildings for administrative or protective service, government storage yards, treatment plants, well sites, pump stations and sanitary landfills;

(5) Landfill, reclamation to improve steep, low or otherwise unusable land;

(6) Nursery and landscape material including greenhouses;

(7) Public transportation shelter stations;

(8) Public utility and communications facility, such as a branch telephone exchange, static transformer, booster station, pumping station; provided, there shall be no service or storage building or yards in connection therewith, including microwave relay stations;

(9) Rapid transit terminals;

(10) Roller rink;

(11) Swimming pools or beaches, public or private. (Ord. 1671 § 5, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.285 Density provisions.

In a C-1 district, the following density provisions apply:

(1) Multifamily dwelling structures shall conform to the requirements of the R-4 district;

(2) Other uses shall conform to the following standards:

- (a) Minimum lot area, 5,000 square feet;
- (b) Minimum lot width, 50 feet;
- (c) Minimum lot depth, 90 feet;
- (d) Minimum front yard, 15 feet;
- (e) Minimum side yard, 10 feet each side;
- (f) Minimum side yard along flanking street of corner lot, 15 feet;
- (g) Minimum rear yard, 20 feet;
- (h) Minimum rear yard abutting a public street, 15 feet;
- (i) Maximum building height, 35 feet;
- (j) Maximum lot coverage, 60 percent of lot area. (Ord. 1671 § 5, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.290 Conditions governing permitted uses.

Uses permitted in a C-1 district, except conditional uses and dwellings, shall be subject to the following conditions:

(1) All business, service, repair, processing, storage, or merchandise display shall be conducted within a wholly enclosed building except for the following:

- (a) Off-street parking or loading;
- (b) Drive-in windows, but not including food or drink service;
- (c) Food and drink service in connection with a delicatessen or confectionery;
- (d) Sale of plant materials in connection with a florist shop;

(2) Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;

(3) The use shall not be objectionable because of odor, dust, smoke, cinders, exhaust fumes, noise, vibration, disturbance to television or radio reception or because of unsightly structure, facilities or use of land;

(4) Design shall be in accordance with the provisions of the design guidelines;

(5) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. 1671 § 5, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.295 Site plan and design review required.

- (1) Site plan and design review shall be required as defined in Chapter [19.48](#) OHMC.
- (2) The planning director, under site plan review, may impose the following conditions before a building permit will be issued for the proposed development:
 - (a) Limit or prohibit openings to structures on sides within 50 feet of a residential district if the openings will cause glare, excessive traffic, noise or other adverse effects on adjacent residential areas;
 - (b) Access shall be limited to streets designated as collector or arterial streets in the comprehensive plan;
 - (c) Require additional setbacks and landscaping or screening abutting a residential district if necessary to minimize the detrimental effects of commercial activity such as glare and noise. (Ord. 1671 § 5, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article VIII. CBD – Central Business District

19.20.300 Purpose and intent.

The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city's heritage with the character of the traditional center of social, cultural and retail activity. Mixed use developments, combining retail and visitor-oriented activities on the ground floor with office, retail or residential uses above, is encouraged. Active facades at the street level on Pioneer Way are required and pedestrian-oriented development is encouraged throughout the district. Standards and design guidelines are adopted to enhance and maintain a pedestrian-friendly environment. Incentives are also provided to encourage the development of mixed use projects. Subdistricts CBD-1 and CBD-2 are created in order to provide for flexibility of residential development within specific areas of the central business district. Large surface parking lots are discouraged. Shared clustered parking areas in the middle of blocks are allowed away from street frontages. Access driveways are to be kept at a minimum to promote safety and convenience of pedestrians. (Ord. 1914 § 2, 2021; Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.305 Permitted uses.

In a central business district (CBD, CBD-1 or CBD-2), the following are permitted uses (for the purposes of this district only, uses denoted with an (*) may be considered active facades when appropriate design elements are utilized):

- (1) Bars, taverns and cocktail lounges (*);
- (2) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises.
 - (b) Signs shall meet the requirements of OHMC [19.36.030](#).

(c) Bed and breakfast inns shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.

(d) If exterior lighting is proposed for the bed and breakfast inn, it shall be downward directed so as not to impact adjacent properties;

(3) Bed and breakfast rooms (residential or commercial) subject to the following conditions:

(a) A resident or manager is domiciled on site.

(b) Signs shall meet the requirements of OHMC [19.36.030](#).

(c) Bed and breakfast rooms (residential or commercial) shall not be located in noise subdistrict C as that area is shown on the city of Oak Harbor's official zoning map.

(d) If exterior lighting is proposed for the bed and breakfast room (residential or commercial), it shall be downward directed so as not to impact adjacent properties;

(4) Billiards and pool hall (*);

(5) Brewpub (*);

(6) Conference center (public lobbies*);

(7) Data processing facility;

(8) Hotel and motel;

(9) Offices (public lobbies and waiting areas*);

(10) Post office;

(11) Residential uses, provided:

(a) In the CBD district, mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;

(b) In subdistricts CBD-1 or CBD-2, dwelling units may be located on the ground floor;

(12) Restaurant or coffee house, including sidewalk cafe (*);

(13) Retail sales, minor (*);

(14) Retail service, minor (*);

(15) Retail workshop (*);

(16) Theater (public lobbies and ticket booths*);

(17) Visitor information center (*);

(18) Other uses similar to those identified above and having equal or less impact on the purposes of this section. (Ord. 1914 § 3, 2021; Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.315 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a central business district (CBD, CBD-1, or CBD-2) when authorized by the hearing examiner:

(1) Coffee kiosk;

(2) Governmental buildings for administrative or protective services (public lobbies*);

(3) Health club (public lobbies*);

(4) Land reclamation with water-dependent marine development;

(5) Parking lots or garages not in conjunction with permitted uses;

(6) Places of entertainment and amusement, if conducted within a wholly enclosed building (*);

(7) Private nursery school, kindergarten, or child day care center not qualifying as a home occupation on a legal lot; provided, there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;

(8) Public utility and communications facility;

(9) Transit terminals;

(10) Swimming pools or beaches, public or private;

(11) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided:

(a) That there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises; and

(b) That uses conditionally permitted in the CBD are open, utilized or otherwise operational during regular business hours at least five days per week. (Ord. 1914 § 5, 2021; Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.320 Density provisions.

In CBD, CBD-1 and CBD-2, the following density provisions apply:

(1) Allowable density:

District	Minimum	Maximum
CBD	None	None
CBD-1	9 du/ac	None
CBD-2	13 du/ac	None

(2) Minimum lot area, no limitation;

(3) Minimum lot width, 25 feet;

(4) Minimum lot depth, 25 feet;

(5) Minimum front yard, no limitation, except when opposite a residentially zoned property, then a 10-foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic safety; front yard setback shall be provided so as to maintain a 12-foot sidewalk measured from the existing curb or future curb line;

(6) Minimum side yard, no limitation except when abutting a residentially zoned property, then 10 feet each. For corner lots, side yard may also be increased to 10 feet if needed for traffic safety;

(7) Minimum rear yard, no limitation except when opposite a residentially zoned property, then 10-foot rear yard is required or except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety;

(8) Maximum building height, 35 feet; except:

(a) In CBD, building height may be increased to 45 feet if ground floor retail space (as defined in OHMC [19.20.300](#)) is developed in conjunction with a residential use;

(b) In CBD-2, building height may be increased to 45 feet for residential development (without a retail component);

(c) In CBD, building height may be increased to 55 feet for nonresidential uses or mixed use projects upon approval of the design review board by providing additional urban amenities as defined in the Oak Harbor design regulations and guidelines. The proposal will be specifically reviewed to determine its impacts on waterfront and mountain views and require reasonable mitigation as necessary;

(9) Maximum lot coverage, no limitation;

(10) Parking.

(a) Nonresidential Uses. There shall be no required parking for nonresidential uses; except, however, if parking is provided, it shall meet the parking space size and access requirements of OHMC [19.44.110](#);

(b) Residential uses shall provide parking per Chapter [19.44](#) OHMC, except that guest parking need not be provided. If guest parking is provided it shall meet the parking space size and access requirements of OHMC [19.44.110](#);

(c) Any parking provided beneath a permitted residential use shall be enclosed with at least 50 percent solid material and designed to seamlessly blend with the architecture of the building;

(d) No more than 50 percent of the gross floor area along pedestrian-oriented streets may be used for residential parking;

(11) Design Standards.

(a) Development shall be in accordance with the provisions of the Oak Harbor design regulations and guidelines;

(b) Buildings with frontage on Pioneer Way must include at least 75 percent active facade on ground-floor, street-facing walls;

(c) Residential development shall have ground level access independent of nonresidential uses from an inside lobby, elevators and/or corridors, from an enclosed interior court, or from other separate access provisions;

(d) Nonresidential development along Pioneer Way, between SE City Beach Street and SE Midway Boulevard, shall meet the following standards:

(i) Ground-floor, nonretail development shall not comprise more than 50 percent of the lineal street frontage of the lot;

(ii) Window areas for nonresidential portions of a building's facades shall not be less than 40 percent or greater than 60 percent of the total facade area;

(iii) Conformance with the above standards shall be determined by using the design guideline applicability standards established under OHMC [19.48.040](#);

(e) Nonresidential development with building heights greater than 45 feet, as approved by the design review board, shall provide a minimum of 450 square feet of pedestrian-oriented space (as defined in the Oak Harbor design regulations and guidelines) plus an additional 25 square feet for each vertical foot of building height above 45 feet;

(f) All buildings in the CBD greater than three stories must set back upper stories by at least 10 feet. (Ord. 1914 § 6, 2021; Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.325 Conditions governing permitted uses.

All principal uses permitted outright in a CBD, CBD-1, or CBD-2 district shall meet the following conditions:

(1) All business, service, repair, storage, or merchandise display shall be conducted within a wholly enclosed building, except for the following:

(a) Off-street parking and loading;

(b) Food and drink service in connection with cafes, restaurants or other eating establishments.

(2) The use of property must not result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.

(3) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.330 Site plan and design review required.

Site plan and design review shall be required as per Chapter [19.48](#) OHMC. (Ord. 1671 § 6, 2013; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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:

(a) For properties located south of the adopted alignment of NE 16th 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 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 16th 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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.365 Site plan and design review required.

Site plan and design review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.375 Principal permitted uses.

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

- (1) Automobile and truck service stations;
- (2) Automobile sales and service;
- (3) Boat sales and boat repair;
- (4) Car washes;
- (5) Coffee kiosks;
- (6) Contractor offices and related storage;
- (7) Drive-in banks;
- (8) Equipment rental;
- (9) Farm and garden supplies, plant nurseries;
- (10) Furniture manufacturing;
- (11) Furniture sales;
- (12) Mobile and modular home sales;
- (13) Printing and publishing;
- (14) Professional and scientific instrument manufacturing;
- (15) Real estate sales;
- (16) Recreational vehicle sales;
- (17) Restaurants;
- (18) Retail or wholesale building supplies and hardware;
- (19) Self-storage facilities. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.380 Accessory permitted uses.

The following uses are permitted as accessory uses to a permitted use in the C-4 district:

- (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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.385 Prohibited uses.

No building, structure or premises, or a portion thereof, established after the effective date of the ordinance codified in this chapter shall be used for human habitation, permanent, transient or temporary, except as quarters for a caretaker, guard or other person whose permanent residency on the premises is required for operational safety or protective purposes. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.390 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a C-4 district when authorized by the hearing examiner:

- (1) Amateur radio tower and antenna;
- (2) Government buildings for administrative or protective services;
- (3) Government storage yards, treatment plants, well sites, pump stations;
- (4) Public transportation shelter stations;
- (5) Public utility and communications facility;
- (6) Radio and television broadcasting stations and towers;
- (7) Crematorium or mortuary, but only if adjacent to or across the street from a cemetery. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.395 Density provisions.

In a C-4 district, the following density provisions apply:

- (1) Minimum Lot Size. There is no minimum lot size for this district; provided, that no residence for a caretaker, guard or other person whose permanent residency on the premises is required for operational safety or protective purposes shall be erected, maintained or enlarged on a lot which is less than 6,000 square feet;
- (2) There is no minimum lot depth;
- (3) There is no minimum lot width;

(4) Front setback shall be 35 feet;

(5) There is no side setback except as follows:

(a) Along side lot lines abutting residentially zoned property there shall be a 10-foot setback;

(b) For corner lots the side setback shall be 15 feet, except that the city council may approve a variable setback of not less than the established building line of the adjoining property after consideration at a public meeting or public hearing;

(6) There is no minimum rear setback except where abutting a street. In the case of a lot where the rear lot line abuts a street, the rear setback shall be 15 feet;

(7) Maximum building height, 35 feet;

(8) Maximum lot coverage, no limitation. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.400 Conditions governing permitted uses.

All principal uses permitted outright in a C-4 district shall meet the following requirements:

(1) Design shall be in accordance with the provisions of the design guidelines;

(2) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC;

(3) Access to SR 20 is limited to a circulation plan approved under Chapter [19.48](#) OHMC. Access to individual parcels may be permitted through adjacent parking lots;

(4) Automobile and boat sales lots shall be drained and paved or surfaced with crushed rock except in those portions of the lot maintained as landscaped areas;

(5) 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;

(6) 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 department 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 department. Outdoor use, activity or storage areas located adjacent to C-4 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;

(7) Towers, antennas or other objects exceeding 200 feet above the ground or that penetrate the 100:1 angle slope criteria established in Federal Aviation Regulation (FAR) Part 44 (Sections 77.13(a)(1) and 77.13(a)(2)(I), respectively) shall be reviewed for compatibility with airport operations. No tower, antenna or other object shall constitute a hazard to air navigation, interfere

with the safe operation of aircraft or deny the existing operational capability of Ault Field. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.405 Site plan and design review required.

Site plan and design review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.408 Relation to aviation environs overlay zone.

Property located in an aviation environs overlay zone shall meet the requirements for land use compatibility in Chapter [19.50](#) OHMC, noise attenuation in Chapter [17.30](#) OHMC and the comprehensive plan land use element. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article XI. C-5 – Highway Corridor Commercial

19.20.410 Purpose and intent.

The C-5 highway corridor commercial district is intended to provide for those types of uses which, because of traffic and other requirements, are regional in impact and may be located in the highway corridor. It is intended to provide a means of allowing these uses along the highway corridor but with limited access to SR 20. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.415 Principal permitted uses.

Principal uses permitted outright in a C-5 district are:

- (1) Any principal use permitted in a C-1 and CBD district, provided dwelling units are:
 - (a) Above and secondary to essential or primary floor uses;
 - (b) 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;
- (2) Animal hospital when located not closer than 200 feet from a residential district, provided all animals are housed in a completely enclosed building;
- (3) Assembly hall;
- (4) Automobile service station;
- (5) Bakery;
- (6) Dry cleaning or laundry establishment, pickup and delivery only;
- (7) Feed and seed store, retail or wholesale;
- (8) Grocery store;

- (9) Gymnasium and sports center;
- (10) Movie theater;
- (11) Nursery and landscape material including greenhouses;
- (12) Offices;
- (13) Places of entertainment;
- (14) Plumbing shop;
- (15) Shopping center;
- (16) Supermarket;
- (17) Veterinary clinic (hospital);
- (18) 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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.420 Accessory permitted uses.

Accessory uses permitted outright in a C-5 district are:

- (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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.425 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a C-5 district when authorized by the hearing examiner:

- (1) Conditional uses permitted in a C-1 and CBD district;
- (2) Home improvement center;
- (3) Retail or wholesale building supplies, hardware and related items;
- (4) Produce stand. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.430 Density provisions.

Density provisions in a C-5 district are as follows:

- (1) Minimum lot area, no limitation;
- (2) Minimum lot width, no limitation;
- (3) Minimum lot depth, no limitation;
- (4) Minimum front yard, 50 feet from any adjoining public street right-of-way. The building setback may be reduced to 30 feet if the entire setback area from property line to building is landscaped where reduction occurs;
- (5) Minimum side yard, 30 feet. For corner lots, the side yard abutting a public street shall be the same as front setback;
- (6) Minimum rear yard, 50 feet, except when abutting a public street it shall be the same as front setback;
- (7) Maximum building height, 35 feet;
- (8) Maximum lot coverage, no limitation. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.435 Conditions governing permitted uses.

All principal uses permitted outright in a C-5 district shall meet the following conditions:

- (1) Design shall be in accordance with the provisions of the design guidelines;
- (2) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC;
- (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) Access to SR 20 highway is limited to an approved circulation plan. Access to individual parcels may be permitted through adjacent parking lots. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.440 Site plan and design review required.

Site plan and design review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article XII. PBP – Planned Business Park

19.20.445 Purpose and intent.

The purpose and intent of the planned business park (PBP) district is to:

- (1) Allow the development of larger-scaled master planned developments related to businesses;
- (2) Preserve or create environmental amenities superior to those generally found in conventional developments;
- (3) Encourage comprehensive planning of large business park sites in order to create a park-like environment;
- (4) Preserve to the greatest possible extent the natural characteristics of the land, including topography, significant natural vegetation, waterways, views, etc.;
- (5) Establish development standards which provide compatibility with surrounding residential, commercial or other developments and offer protection from blight;
- (6) Provide for maximum efficiency in the layout of streets, utility networks, open space, landscaping requirements and other public improvements;
- (7) Provide a guide for developers, city officials and the planning commission in meeting the purpose and provisions of this section. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.450 Principal permitted uses.

Primary uses permitted in the planned business park district provide a broad range of activities including research, light assembly and light manufacturing. Specific primary types of uses allowable include:

- (1) Assembly, manufacture, packaging, compounding or treatment of articles or merchandise from the following previously prepared materials: cloth, glass, lacquer, leather, paper, plastics, precious or semiprecious metals or stones, wood (excluding sawmills, lumber mills and planing mills), paint, clay, sand, rubber;
- (2) Printing, publishing and book binding;
- (3) Manufacturing, processing and packaging of food, pharmaceuticals, toiletries, cosmetics, optical goods, scientific instruments and equipment, and precision instruments and equipment;
- (4) Scientific research, testing and experimental development laboratories;
- (5) Corporate headquarters, regional headquarters and administrative offices of commercial, industrial, financial, charitable or governmental institutions;
- (6) Uses similar to, related to, or compatible with those listed or described in this chapter are permitted upon a finding by the planning director that a proposed use does not conflict with the intent of this section or the policies of the Oak Harbor comprehensive plan. The criteria for such finding of similarity, relationship or compatibility shall include, but are not limited to, the following:

- (a) The proposed use will not unreasonably adversely impact surrounding uses;
- (b) The development standards for permitted uses can be met by the proposed use;
- (c) Impacts, such as traffic, noise and air quality, will not be significantly different than those generated by permitted uses. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.455 Accessory permitted uses.

Accessory uses complement but do not conflict with the primary use. Specific secondary types of uses allowable include:

- (1) Warehousing and distribution facilities and the storage of goods or products clearly subordinate to, and an integral part of, the primary permitted uses;
- (2) Engineering, development, administrative or executive offices which are part of a primary use;
- (3) Retail development may be permitted where it can be demonstrated that the business park will be clearly and primarily benefited by the convenience of such retail facilities. The total square footage devoted to retail development shall not exceed 15 percent per phase of the developable floor area of the business park district in which it is located or district cumulative total. The total square footage of a single retail use may not exceed 7,500 square feet and the total square footage of all retail uses may not exceed 25 percent of a building's gross floor area. Signs for retail uses shall be visible only within the business park area and attached to the building wall. Retail uses include:
 - (a) Support retail, such as food and drug stores, banks and office supplies;
 - (b) Personal services such as barber and beauty shops, dry cleaning, laundry;
 - (c) Business services, such as printing and copying, photo processing, postal/mail, word processing, travel agencies;
 - (d) Food services, such as delicatessens, restaurants (except drive-through windows), brew pubs;
 - (e) Recreation facilities, except mechanical or electronic games centers, theaters (live and movie) and games of skill such as bowling;
- (4) Day care centers;
- (5) Showrooms and galleries;
- (6) Hotels and conference centers; and
- (7) Caretaker's quarters. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.460 Prohibited uses.

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

- (a) Manufacturing involving outdoor storage;
- (b) Manufacture or storage of explosives;
- (c) Stockyards, dairies, slaughterhouses, rendering plants, canneries, breweries, wineries and other agricultural industries;
- (d) Petroleum refineries;
- (e) Bulk fuel storage, unless stored in tanks and accessory to a permitted use occurring on the same lot;
- (f) Truck parking, repair and maintenance unless accessory to a permitted use located on the same lot;
- (g) Cement manufacturing;
- (h) Blast furnaces;
- (i) Smelting;
- (j) Drop forge industries;
- (k) Fertilizer manufacture;
- (l) Sanitary landfills;
- (m) Waste to energy facilities;
- (n) Solid waste transfer stations;
- (o) Sewage treatment plants;
- (p) Lumber, pulp or paper mills;
- (q) Cargo container storage;
- (r) Asphalt or concrete batch plant;

(2) Single-family or multifamily residences. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.465 Site requirements.

In a PBP district, the following minimum site requirements shall apply:

- (1) Minimum site acreage for the development of a new planned business park district: 20 acres;
- (2) Minimum area for an existing lot or for a lot within a planned business park plat district: 2.5 acres unless, as provided in a binding site plan, it may be less;
- (3) Minimum lot width: 100 feet;
- (4) Minimum lot depth: 200 feet;
- (5) Minimum area for a subdivision plat is 10 acres which must be coordinated with the surrounding properties such as circulation, access, pedestrian and bike paths. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.470 Building heights.

Permitted building height is determined by the distance the building is separated from any residential zone, or from any area designated in the Oak Harbor comprehensive plan for residential uses, as follows:

- (1) Less than 100 feet: 35 feet in height;
- (2) One hundred one feet and above: 50 feet in height;
- (3) Two hundred feet and above: 65 feet in height. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.475 Building coverage.

The maximum building coverage shall not exceed 40 percent of the total lot area. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.480 Building setbacks.

In a PBP district, all buildings and structures, except for fencing, shall meet the following minimum setback requirements:

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

(4) Rear yard: 15 feet or zero as established by master plan;

(5) When abutting any residential zoned property or any area planned for residential uses under the Oak Harbor comprehensive plan, the minimum setback shall be 50 feet. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.485 Loading areas.

(1) Truck loading and maneuvering areas shall not be located within the required building setback areas.

(2) Truck loading and unloading shall not be permitted on streets.

(3) Truck loading and unloading areas, parking and maneuvering areas shall be screened by a sight-obscuring fence eight feet in height, except when stored materials cannot be seen from any public roadway or from surrounding properties. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.490 Off-street parking.

(1) The total required off-street parking facilities shall be in accordance with Chapter [19.44](#) OHMC.

(2) Parking lots shall be landscaped in accordance with Chapter [19.46](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.495 Building design.

(1) Buildings and structures should be designed in accordance with the Oak Harbor commercial and industrial design guidelines.

(2) Buildings shall be sited so as not to project or reflect natural or artificial light or glare into residential zoned areas or areas planned for residential uses under the Oak Harbor comprehensive plan.

(3) Mechanical equipment located on the roof, facade, or external portion of a building shall be architecturally screened by including the equipment in the building or site design so as not to be visible from adjacent properties or public streets.

(4) Equipment or vents which generate noise or air emissions shall be located on the opposite side of the building from adjoining residentially zoned properties. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.500 Landscaping requirements.

(1) The following requirements are in addition to the requirements contained in Chapter [19.46](#) OHMC:

(a) A minimum of 10 percent of the site will be retained as open space and/or common recreation area in addition to the minimum landscaping requirements and setbacks;

(b) Existing natural vegetation and significant stands of trees should be retained in accordance with Chapter [19.46](#) OHMC.

(2) Additional landscaping may be required in order to protect surrounding uses and to meet the intent and purpose of this section and the Oak Harbor comprehensive plan. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.505 Environmental performance standards.

It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the planning director may require to demonstrate that the use or activity is or will be in compliance with this title and all federal, state and city requirements, codes and standards. Failure of the planning director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with this title and all state, federal and city requirements, codes and standards. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.510 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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.515 Preapplication meeting.

Prior to formal submittal of the application, the applicant shall present to the planning department a preliminary site plan, which shall contain, in a rough and approximate manner, all of the information required for the application under OHMC [19.20.530](#). Upon submittal, the planning department shall schedule a meeting with representatives of applicable city departments. The planning director may also invite, because of the nature, size and scope of the development, others outside of the city to participate in the preapplication meeting. The purpose of the meeting is to enable the applicant to obtain the advice of city staff as to the intent, standards and provisions of this code with regard to the proposed plan. Information presented for and at the preapplication meeting shall not be a part of the public record as no applications are submitted for formal review. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.520 Application requirements.

An application for approval of a proposed planned business park shall be made to the planning director upon forms furnished by the city. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit or their duly authorized agent or agents. The ownership of all parcels to be included must be represented in the application. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.525 General standards and requirements – Professional design.

(1) The applicant for all proposed planned business park developments shall certify that registered professional personnel will plan, guide and inspect the development and shall list the personnel by name, address and profession on the application. The planning director may direct the applicant,

because of the nature, size and scope of the development, to utilize any or all of the following professions:

- (a) An architect licensed by the state of Washington;
 - (b) A landscape architect licensed by the state of Washington;
 - (c) An urban planner holding a full membership in the American Institute of Certified Planners;
 - (d) A registered civil engineer licensed by the state of Washington.
- (2) One of the professional persons chosen shall be designated by the applicant as the applicant's representative in conferring with the planning commission and/or the city staff regarding the master plan and the execution thereof.
- (3) The selection of the professional coordinator of the design team will not limit the owner or the developer in consulting with the planning staff or the planning commission. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.530 Preliminary master plan – Filing requirements.

The applicant shall file with the planning director a preliminary master plan, including the following:

- (1) A legal description of the site and plot plan indicating location of all existing and proposed adjacent streets, private rights-of-way and easements;
- (2) The proposed site plan and drawings shall include the following information:
 - (a) Topographic contours at a minimum interval of five feet;
 - (b) Individual trees over 12 inches in trunk diameter measured four feet above the base of the trunk in areas to be developed or otherwise disturbed;
 - (c) Existing and approximate proposed finished grades of the property with conceptual planning level, all drainage features;
 - (d) Conceptual planning level, location of all proposed structures together with the usage to be contained therein and approximate location of all entrances thereto and heights, and gross floor area thereof;
 - (e) Conceptual planning level location and nature of vehicular and pedestrian circulation features within the site and adjacent streets and alleys;
 - (f) The extent, location, arrangement, and proposed improvements of all off-street parking and loading facilities;
 - (g) The extent, location, arrangement and proposed improvements with conceptual planning level of all open space, landscaping, fences and walls;

(h) Architectural drawings, sketches and typical layouts demonstrating the planning and character of the proposed development;

(3) Proposed conditions, covenants and restrictions, including continuous maintenance provisions for the project;

(4) A text describing conditions or features which cannot be adequately displayed on maps or drawings; and

(5) Proposed phasing. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.535 Preliminary master plan – Staff recommendation.

After receiving the preliminary master plan, the planning director shall route the same to all appropriate city departments, and each department shall submit to the planning director comments and recommendations. After receiving such information from the city departments, the planning director shall present recommendations and conclusions before the planning commission at the public hearing upon the preliminary master plan. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.540 Preliminary master plan – Public hearing.

The preliminary master plan shall be considered at a public hearing before the planning commission after notice given in the manner required in Chapter [18.20](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.545 Preliminary master plan – Planning commission review.

Following the public hearing, the planning commission may approve as proposed, approve with changes or disapprove the application and the accompanying master plan. The commission's action shall be based on the following criteria:

(1) The proposal meets the requirements of this title;

(2) The perimeter of the project shall be compatible with the land use of adjoining properties. Compatibility includes, but is not limited to, size, scale, mass and architectural design;

(3) The proposal shall not be unreasonably detrimental to existing uses or potential surrounding land uses as defined by the Oak Harbor comprehensive plan. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.550 Preliminary master plan – Council review.

If the commission approves said application, the city council shall be informed of such action and shall indicate its concurrence or disapproval. The determination of the council shall become final 10 days after the date of decision unless directed otherwise or appealed to the city council in accordance with OHMC [19.20.580](#). (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.555 Final master plans – Filing requirements.

Within one year after the approval or modified approval of the preliminary master plan, the applicant shall file with the planning director a final plan for the entire development or, when submission in stages has been authorized, for the first phase of development. The final plan shall conform in all major respects with the approved preliminary master plan. The final plan shall include all information included in the preliminary plan plus the following:

- (1) The location of water, sewer and drainage facilities;
- (2) Detailed building and landscaping plans and elevations;
- (3) The character and location of signs;
- (4) Plans for street improvements;
- (5) Grading or earth moving plans; and
- (6) Common lighting for streets, parking and common areas.

The final plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Fully drafted, properly executed legal documents are required by the planning commission for dedication or reservation of public facilities. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.560 Final master plan – Staff recommendation.

After receiving the final master plan, the planning director shall route the same to all appropriate city departments, and each department shall submit to the planning director comments regarding the conformance of the final development to the preliminary master plan approval. After receiving such information from the city departments, the planning director shall present recommendations and conclusions to the planning commission. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.565 Final master plan – Planning commission approval.

Upon receipt of the final master plan, the planning commission shall examine such plan and determine whether it conforms to all applicable criteria and standards and whether it conforms in all substantial respects to the previously approved planned business park permit. In the event the planning commission determines that the final master plan does not conform to the previously approved permit, they may require such changes in the proposed development or impose such conditions of approval as are, in its judgment, necessary to ensure conformity to the previous approval.

If the commission does grant final approval, the decision of the commission shall become final 10 days after the date of the final action unless appealed to the city council in accordance with OHMC [19.20.580](#); provided, that if all other requirements of this title have been met, the permit shall not be granted until the proper drafting, executing and recording (all at applicant's expense) of all documents necessary to fulfill the requirements of this title. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.570 Modifications to the plan.

Requests for modifications of preliminary or final master plans shall be made in writing and shall be submitted to the planning department in the manner and form prescribed by the planning director.

(1) Modifications up to 10 percent shall be deemed minor if the proposal does not change any of the following:

- (a) Land use;
- (b) Floor area ratio;
- (c) General location or number of access points;
- (d) The amount of open space;
- (e) The amount of parking;
- (f) The total square footage of structures;
- (g) The amount and location of outdoor storage;
- (h) The general height and character of the structures; and
- (i) As described in the master plan, provide for a percentage of change for modification.

(2) Examples of minor modifications include but are not limited to lot line adjustments, minor relocations of buildings or landscaped areas, minor changes in phasing and timing, minor changes in building design, minor changes to outdoor storage and truck loading area and minor changes in elevations of buildings.

(3) Minor modifications may be approved by the planning director.

(4) Major modifications are those which, as determined by the planning director, substantially change the basic design, floor area ratios, open space or other similar requirements or provisions. Major modifications to the master plans shall be reviewed by the planning commission and city council under the same process as outlined under OHMC [19.20.545](#) and [19.20.550](#). (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.575 Phased development.

Development of the project may be phased, in which case the preliminary master plan must indicate all phases and indicate how each phase shall relate to other phases. The information appearing in the preliminary master plan shall include how common open space areas, common parking areas, landscaping and buffer areas relate to the development and timing of each phase of development. Each phase may be processed separately as a final master plan review. The binding site plan process may be used if the property is to be subdivided. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.580 Appeals to council.

(1) Within 10 days after the date of decision by the planning commission on an application of approval of a preliminary or final master plan in accordance with OHMC [19.20.545](#) or [19.20.565](#) such approval may be appealed to the city council by the applicant, the permit holder or any other interested party. Such appeal shall be made on a form prescribed by the commission and shall be filed within the prescribed time with the office of the city clerk and must be accompanied by a filing fee per the master fee schedule adopted by resolution of the city council. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the commission or wherein its decision is not supported by the evidence in the record or where ample consideration of good planning principles have not been made.

(2) Upon receipt of such appeal, together with the filing fee, the city council shall set the time for consideration thereof. The city clerk shall notify the chairman of the planning commission of the receipt of said appeal and of the time set for consideration thereof and the city clerk shall, not less than five days prior to the date set for the hearing on the appeal, give written notice to the appellant and to any known adverse parties or to their representatives of the time and place of the hearing.

(3) In considering the appeal, the city council shall determine whether the proposal conforms to the applicable criteria and standards of the preliminary approval based on the criteria set forth in OHMC [19.20.545](#) and may refer the matter back to the planning commission for further information or reconsideration or approve or disapprove the proposed development or require such changes therein or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said preliminary approval. The decision of the city council shall be final. (Ord. 1696 § 81, 2014; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.585 Adherence to approved plan.

The building official shall issue building permits only for buildings and structures which conform with the approved final master plan for the planned business park and with all other applicable city ordinances, regulations, rezone, annexation or development agreements. The building official shall issue a certificate of occupancy only for completed buildings or structures which conform to the requirements of the approved final master plans and all other applicable city ordinances, regulations, rezone, annexation or development agreements. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.590 Lots subject to final master plan.

All lots or other divisions of a subdivided planned business park shall remain subject to compliance with the final master plan regardless of compliance with OHMC Title [21](#), or subsequent conveyance of such individual lots. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.595 Judicial review.

Any legal action to review a decision of the city council or planning commission under this title shall be filed in Island County superior court within 21 days of the decision, notwithstanding the effective date of any ordinance passed or proposed to effectuate said decision. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article XIII. PIP – Planned Industrial Park

19.20.600 Purpose and intent.

The purpose and intent of the PIP planned industrial park district is to:

- (1) Encourage comprehensive planning of large industrial sites in order to create a park-like environment;
- (2) Preserve or create environmental amenities superior to those generally found in conventional industrial developments;
- (3) Preserve to the greatest possible extent the natural characteristics of the land, including topography, a portion of significant natural vegetation, waterways, views, etc.;
- (4) Establish development standards which provide compatibility with surrounding residential, commercial or other developments and offer protection from industrial blight;
- (5) Provide for maximum efficiency in the layout of streets, utility networks, open space, landscaping requirements and other public improvements;
- (6) Provide a guide for developers and city officials in meeting the purpose and provisions of this section. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.605 Principal permitted uses.

Primary uses permitted in the PIP district provide a broad range of activities including research, light assembly and light manufacturing. Specific primary types of uses allowable include:

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

- (9) Marine craft, equipment and supply sales, and repair and service of small craft;
- (10) Nursery and landscape material including greenhouses;
- (11) Plumbing shop;
- (12) Sign shop;
- (13) Lumber yard, retail or wholesale, including building supplies, hardware, and related items;
- (14) Mini-storage facilities;
- (15) Vocational and technical schools;
- (16) Private club, lodge, convent, social or recreational building or community assembly hall (except those having a chief activity carried on for monetary gain);
- (17) Training facilities, including but not limited to music, dance, martial arts, photography, health clubs;
- (18) Warehousing and distribution centers;
- (19) Automobile sales and service;
- (20) Uses similar to, related to, or compatible with those listed or described in this section are permitted upon a finding by the planning director that a proposed use does not conflict with the intent of this section or the policies of the Oak Harbor comprehensive plan. The criteria for such finding of similarity, relationship or compatibility shall include, but not be limited to, the following:
 - (a) The proposed use will not significantly impact surrounding uses;
 - (b) The development standards for permitted uses can be met by the proposed use;
 - (c) Impacts, such as traffic, noise and air quality, will not be significantly different than those generated by permitted uses. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.610 Accessory permitted uses.

Accessory uses complement but do not conflict with the primary use. Specific accessory types of uses allowable include:

- (1) Warehousing and distribution facilities and the storage of goods or products clearly subordinate to, and an integral part of, the primary permitted uses;
- (2) Engineering, development, administrative or executive offices which are part of a primary use;
- (3) Retail development may be permitted where it can be demonstrated that the industrial park will be clearly and primarily benefited by the convenience of such retail facilities. The total square

footage devoted to retail development shall not exceed 10 percent of the developable floor area of the PIP district in which it is located. The total square footage of a single retail use may not exceed 5,000 square feet and the total square footage of all retail uses may not exceed 25 percent of a building's gross floor area. Signs for retail uses shall be visible only within the planned industrial park area and attached to the building wall. Retail uses include:

- (a) Support retail, such as food and drug stores, banks and office supplies;
- (b) Personal services such as barber and beauty shops, dry cleaning, laundry;
- (c) Business services, such as printing and copying, photo processing, postal/mail, word processing, travel agencies;
- (d) Food services, such as delicatessens, restaurants (except drive-ins);
- (e) Recreation facilities, except mechanical or electronic games centers, theaters (live and movie) and games of skill, such as bowling;
- (f) Day care centers;
- (g) Showrooms and galleries; and
- (h) Caretaker's quarters. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.615 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a PIP district when authorized by the board of adjustment under Chapter [19.67](#) OHMC:

- (1) Fuel yards;
- (2) Concrete and asphalt batch plants for a defined temporary period of time;
- (3) Fuel oil distribution, retail and wholesale, provided incidental storage is maintained underground;
- (4) Dog kennels;
- (5) Equipment rental businesses;
- (6) Excavations, other than simple foundation;
- (7) Public transportation transfer stations;
- (8) Public utility and communications facility, such as a branch telephone exchange, static transformer, booster station, pumping station; and

(9) Small businesses specializing in the production of chemical products, fertilizers, rodenticide, insecticide, and pesticide, but not including ammonia and explosives, may be permitted where it meets the following criteria:

- (a) The business will meet the environmental performance standards in OHMC [19.20.660](#);
- (b) There shall be no outside storage of chemicals, ingredients, products or byproducts. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.620 Prohibited uses.

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

- (a) Manufacture or storage of explosives;
- (b) Stockyards, dairies, slaughterhouses, rendering plants, canneries, breweries, wineries and other agricultural industries;
- (c) Petroleum refineries;
- (d) Cement manufacturing;
- (e) Blast furnaces;
- (f) Smelting;
- (g) Drop forge industries;
- (h) Sanitary landfills;
- (i) Waste to energy facilities;
- (j) Sewage treatment plants;
- (k) Lumber, pulp or paper mills.

(2) Single-family or multifamily residences. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.625 Density provisions.

(1) In a PIP district, the following minimum site requirements shall apply:

- (a) Minimum site area for the development of a new planned industrial park plat: five acres;

- (b) Minimum lot area: 20,000 square feet, except where there is a binding site plan;
 - (c) Minimum lot width: 100 feet;
 - (d) Minimum lot depth: 100 feet.
- (2) The maximum building coverage shall not exceed 40 percent of the total lot area.
- (3) All buildings and structures, except for fencing, shall meet the following minimum setback requirements:
- (a) Front yard: 30 feet. In cases where no parking or service occurs between the face of the building and the street, the front yard may be reduced to 20 feet;
 - (b) Interior side yards: 15 feet;
 - (c) Corner lot abutting a street: 30 feet. In cases where no parking or service occurs between the face of the building and the street, the side yard may be reduced to 15 feet;
 - (d) Rear yard: 15 feet;
 - (e) When abutting any residential-zoned property or any area planned for residential uses under the Oak Harbor comprehensive plan, the minimum setback shall be 50 feet;
 - (f) Parking is allowed in setbacks. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.630 Building heights.

Permitted building height is determined by the distance the building is separated from any residential zone, or from any area designated in the Oak Harbor comprehensive plan for residential uses, as follows:

- (1) Less than 100 feet: 35 feet in height;
- (2) One hundred one feet and above: 50 feet in height plus 10 feet for mechanical equipment;
- (3) Two hundred feet and above: 65 feet in height plus 10 feet for mechanical equipment. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.635 Outdoor storage.

- (1) Outdoor storage shall not be allowed within the required building setback areas.
- (2) All outdoor storage areas shall not be visible from public rights-of-way or private streets.
- (3) All outdoor storage areas shall be screened from public view through landscaping, walls, and/or fencing.

(4) In no event shall materials be stacked or stored higher or to exceed the height of the screening wall or fence: eight feet maximum. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.640 Loading areas.

(1) Truck loading and maneuvering areas shall not be located within the required building setback areas.

(2) Truck loading and unloading shall not be permitted on streets.

(3) Truck loading and unloading areas, parking and maneuvering areas shall be designed in accordance with the provisions of the Oak Harbor design guidelines and shall be buffered and screened in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.645 Off-street parking.

(1) The total required off-street parking facilities shall be in accordance with Chapter [19.44](#) OHMC.

(2) Parking lots shall be landscaped in accordance with Chapter [19.46](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.650 Building design.

(1) Buildings and structures should be designed in accordance with the Oak Harbor commercial and industrial design guidelines.

(2) Buildings shall be sited so as not to project or reflect natural or artificial light or glare into residential zoned areas or areas planned for residential uses under the Oak Harbor comprehensive plan.

(3) Mechanical equipment located on the roof, facade, or external portion of a building shall be architecturally screened or mitigated by including the equipment in the building or site design so as not to be visible from public streets.

(4) Equipment or vents which generate noise or air emissions shall be located on the opposite side of the building from adjoining residentially zoned properties.

(5) Buildings within the aviation environs overlay zone shall be built to the standards of OHMC Title [17](#). (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.655 Landscaping requirements.

Landscaping and screening shall be in conformance with the requirements contained in Chapter [19.46](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.660 Environmental performance standards.

It shall be the responsibility of the operator and/or proprietor of any permitted use to provide such reasonable evidence and technical data as the planning director may require to demonstrate that the use or activity is or will be in compliance with this title, the Oak Harbor comprehensive plan and all federal, state and city requirements, codes and standards. Failure of the planning director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with this title, the Oak Harbor comprehensive plan, and all federal, state and city requirements, codes and standards. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.665 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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.670 Preapplication meeting.

Prior to formal submittal of any application, the applicant may present to the planning department a preliminary site plan, which shall contain, in a rough and approximate manner, all of the information required for the application under OHMC [19.20.680](#). Upon submittal, the planning department shall schedule a meeting with representatives of applicable city departments. The planning director may also invite, because of the nature, size and scope of the development, others outside of the city to participate in the preapplication meeting. The purpose of the meeting is to enable the applicant to obtain the advice of city staff as to the intent, standards and provisions of this code with regard to the proposed plan. Information presented for and at the preapplication meeting shall not be a part of the public record as no applications are submitted for formal review. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.675 Application requirements.

Site plan review shall be required for any building permit or change in use, as defined in OHMC [19.48.020](#). Site plan review is not required for regular maintenance activities, or emergency actions to protect the public health, safety or welfare.

For parcels containing between five acres and 20 acres, the site plan review requirements of OHMC [19.20.685](#) shall apply.

For parcels containing more than 20 acres, the review requirements of OHMC [19.20.690](#) and [19.20.695](#) shall apply.

An application for site plan approval of a proposed planned industrial park shall be made to the planning director upon forms furnished by the city. Application shall be made by the owner or owners of the parcel or parcels intended to be developed as a unit or their duly authorized agent or agents. The ownership of all parcels to be included must be represented in the application. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.680 Site plan review – Filing requirements.

For all parcels five acres and over, the applicant shall file with the planning director a site plan, including the following:

- (1) A legal description of the site and plot plan indicating location of all existing and proposed adjacent streets, private rights-of-way and easements;
- (2) The proposed site plan and drawings for design review shall include the following information:
 - (a) Topographic contours at a minimum interval of 10 feet;
 - (b) Approximate proposed finished grades of the property with all drainage features;
 - (c) Location of all proposed building areas;
 - (d) Location and nature of vehicular and pedestrian circulation features within the site and adjacent streets and alleys;
 - (e) The extent, location, arrangement, and proposed improvements of all off-street parking and loading facilities;
 - (f) The extent, location, arrangement and proposed improvements of all open space and common areas; and
 - (g) Proposed future lots. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.685 Site plan review (parcels five to 20 acres) – Staff approval.

After receiving the site plan, the planning director shall route the same to all appropriate city departments, and each department shall submit to the planning director comments and recommendations. After receiving such information from the city departments, the planning director may approve as proposed, approve with changes or disapprove the application and the accompanying site plan. The director's action shall be based on the following criteria:

- (1) The proposal meets the requirements of this title;
- (2) The perimeter of the project shall be compatible with the land use of adjoining properties. Compatibility includes, but is not limited to, size, scale and mass and architectural design;
- (3) The proposal shall not be detrimental to existing or potential surrounding land uses as defined by the Oak Harbor comprehensive plan. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.690 Site plan review (over 20 acres) – Staff recommendation.

For parcels over 20 acres in size, the planning director shall route the application to all appropriate city departments, and each department shall submit to the planning director comments and recommendations. After receiving such information from the city departments, the planning director shall present recommendations and conclusions to the planning commission. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.695 Site plan review (over 20 acres) – Planning commission approval.

After receiving such information from the city departments, the planning commission may approve as proposed, approve with changes or disapprove the application and the accompanying site plan. The planning commission's action shall be based on the following criteria:

- (1) The proposal meets the requirements of this title;
- (2) The perimeter of the project shall be compatible with the land use of adjoining properties. Compatibility includes, but is not limited to, size, scale and mass and architectural design;
- (3) The proposal shall not be detrimental to existing or potential surrounding land uses as defined by the Oak Harbor comprehensive plan.

If the commission does grant final approval, the decision of the commission shall become final 10 days after the date of the final action unless appealed to the city council in accordance with OHMC [19.20.705](#); provided, that if all other requirements of this title have been met, the permit shall not be granted until the proper drafting, executing and recording (all at applicant's expense) of all documents necessary to fulfill the requirements of this title. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.700 Modifications to the plan.

Requests for modifications of preliminary or final site plans shall be made in writing and shall be submitted to the planning department in the manner and form prescribed by the planning director.

(1) Modifications up to 10 percent shall be deemed minor if the proposal does not change any of the following:

- (a) Land use;
- (b) General location or number of access points;
- (c) The amount of open space;
- (d) The amount of parking;
- (e) General height of the structure;

(f) Total square footage of structures; and

(g) Amount and location of outdoor storage.

(2) Examples of minor modifications include but are not limited to lot line adjustments, minor relocations of landscaped areas and buffers, minor changes to outdoor storage and truck loading area and minor changes in circulation patterns.

(3) Minor modifications may be approved by the planning director.

(4) Major modifications are those on lots greater than 20 acres in size and which, as determined by the planning director, substantially change the basic design, floor area ratios, open space or other similar requirements or provisions. Major adjustments to the master plans shall be reviewed by the planning commission under the same process as outlined under this chapter. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.705 Appeals to council.

(1) Within 10 days after the date of decision by the planning commission on an application of approval of a site plan in accordance with OHMC [19.20.695](#), such approval or revocation shall be taken to the city council by the applicant, the permit holder or any other interested party. Such appeal shall be made on a form prescribed by the commission and shall be filed within the prescribed time with the office of the city clerk and must be accompanied by a filing fee per the master fee schedule adopted by resolution of the city council. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the commission or wherein its decision is not supported by the evidence in the record or where ample consideration of good planning principles have not been made.

(2) Upon receipt of such appeal, together with the filing fee, the city council shall set the time for consideration thereof. The city clerk shall notify the chairman of the planning commission of the receipt of said appeal and of the time set for consideration thereof and the city clerk shall, not less than five days prior to the date set for the hearing on the appeal, give written notice to the appellant and to any known adverse parties or to their representatives of the time and place of the hearing.

(3) In considering the appeal, the city council shall determine whether the proposal conforms to the applicable criteria and standards of approval based on the criteria set forth in OHMC [19.20.695](#) and may refer the matter back to the planning commission for further information or reconsideration or approve or disapprove the proposed development or require such changes therein or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said preliminary approval. The decision of the city council shall be final. (Ord. 1696 § 82, 2014; Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.710 Adherence to approved plan.

The building official shall issue building permits only for buildings and structures which conform with the approved final master plan for the planned industrial park and with all other applicable city ordinances, regulations, rezone, annexation or development agreements. The building official shall issue a certificate of occupancy only for completed buildings or structures which conform to the requirements of the approved final master plans and all other applicable city ordinances, regulations, rezone, annexation or development agreements. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.715 Lots subject to final site plan.

All lots or other divisions of a subdivided planned industrial park shall remain subject to compliance with the site plan regardless of compliance with OHMC Title [21](#), or subsequent conveyance of such individual lots. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.720 Judicial review.

Any legal action to review a decision of the city council or planning commission under this title shall be filed in Island County superior court within 21 days of the decision, notwithstanding the effective date of any ordinance passed or proposed to effectuate said decision. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article XIV. I – Industrial

19.20.725 Purpose and intent.

The I industrial district is intended to accommodate certain industrial structures and uses having physical and operational characteristics which might adversely affect the adjoining residential and commercial uses. Regulations are designed to permit those industrial uses which can be operated in a relatively clean, quiet and safe manner compatible with adjoining land uses. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.730 Principal permitted uses.

In an I district, the following are principal permitted buildings and uses:

- (1) Principal uses permitted in a C-3 district except those as specifically prohibited in OHMC [19.20.620](#);
- (2) Automobile sales and service;
- (3) Bedding, carpet and pillow manufacture, cleaning and renovating;
- (4) Bottling and processing of nonalcoholic beverages, the production of which is devoid of fumes, noxious odors, or waste products;
- (5) Cold storage plants;
- (6) Food and drug processing;
- (7) Manufacture and assembly of light and small items made from previously prepared materials and includes operations which do not create noise, smoke, odor, vibration or other objectionable nuisances to the extent that they are detrimental to surrounding uses;
- (8) Public utilities;
- (9) Welding and machine shop;

(10) Other uses of similar character, subject to approval by the city council. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.735 Principal uses permitted – Location limited.

The following principal uses are permitted outright if located 200 feet or more from the boundary of any residential zoning district:

(1) Assembly, manufacture, rebuilding, compounding, processing, preparation, or treatment of such articles or products as batteries, bottles, mattresses, furniture, tools, hardware, and paper products, but not the manufacture of paper itself;

(2) Canning, processing and freezing of fruit and vegetables;

(3) Electroplating;

(4) Machine, welding, or metalworking shop, but not including punch presses, drop hammers, or other noise- and vibration-producing equipment;

(5) Tire retreading;

(6) Woodworking shop. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.740 Accessory permitted uses.

In an I 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](#). (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.745 Prohibited uses.

No building, structure or premises or a portion thereof, established after the effective date of the ordinance codified in this chapter, shall be used for human habitation, permanent, transient or temporary except as quarters for a caretaker, guard or other person whose permanent residency on the premises is required for operational safety or protective purposes. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.750 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an I district when authorized by the hearing examiner:

(1) Any conditional use permitted in a C-3 district;

- (2) Cement and asphalt plants;
- (3) Manufacture or processing of such nondurable goods as chemical and allied products, petroleum products, fertilizers, but excluding explosives and ammonia;
- (4) Metal fabrication and boiler or tank works;
- (5) Mixing plants for concrete or paving material;
- (6) Off-site hazardous waste treatment and storage facilities; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW [70.105.210](#);
- (7) Oxygen manufacture and/or storage;
- (8) Produce stand;
- (9) Rodenticide, insecticide and pesticide mixing plants;
- (10) Wrecking yard. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.755 Density provisions.

In an I district, the following density 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;
- (5) Minimum side yard, no limitation, except when abutting a residentially zoned property, then 10 feet each. For corner lots, a side yard abutting a public street shall be 35 feet except that the city council may approve a variable setback of not less than 20 feet or the established building line on adjoining property, whichever is greater, after consideration at a public meeting or public hearing;
- (6) Minimum rear yard, no limitation except when abutting a public street, then 35 feet;
- (7) Maximum building height, 35 feet;
- (8) Maximum lot coverage, no limitation. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.760 Conditions governing permitted uses.

- (1) Design shall be in accordance with the provisions of the Oak Harbor design guidelines.

(2) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.765 Site plan and design review required.

Site plan and design review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.768 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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article XV. PF – Public Facilities

19.20.770 Purpose and intent.

The PF public facilities district is intended to accommodate public facilities and institutional land uses, including but not limited to public parks, schools, churches, governmental offices, public works yards, utility structures, hospitals, and other similar public and quasi-public uses. The zone was established to aid the city in planning for public facilities, while preventing conflicts between incompatible land uses. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.775 Principal permitted uses.

In a PF district, the following are principal permitted buildings and uses:

- (1) Public parks and recreational facilities, including, but not limited to, regional parks, city parks and play fields, public golf courses, historic landmarks, indoor recreation centers, swimming pools and marinas;
- (2) Government facilities, including, but not limited to, administrative offices, postal stations, police stations, fire stations, parking lots, public water wells, storm drainage facilities, water and sewer pump stations, and family health/resource centers;
- (3) Community services, including, but not limited to, libraries, museums, community centers and senior centers and adult day care;
- (4) Churches and other religious institutions;
- (5) Public and private schools providing education at the preschool level or higher, excluding commercial trade schools;
- (6) Public utilities, except as regulated in OHMC [19.20.785](#);
- (7) Quarters for a caretaker, guard or the person whose permanent residency on the premises is required for operational safety or protective purposes;

(8) Landfill reclamation to improve steep, low or otherwise unusable land. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.780 Accessory permitted uses.

(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) Parking areas operated in conjunction with permitted uses. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.785 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a PF district when authorized by the board hearing examiner in conformance with Chapter [19.67](#) OHMC:

(1) Electric substations, treatment plants, public works yards, public telecommunications towers, and other similar uses. Distribution or collection line rights-of-way and easements are exempt from the requirements of the PF district;

(2) Private lodges and clubs, fraternal organizations, and commercial establishments when ancillary to a permitted use;

(3) Child day care when ancillary to a permitted use. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.790 Prohibited uses.

The following uses are expressly prohibited by this chapter:

(1) Permanent, transient and temporary dwelling units, except as allowed under OHMC [19.20.775](#)(7);

(2) Private lodges and clubs, fraternal organizations, private golf courses, and other similar clubs, except as allowed under OHMC [19.20.785](#);

(3) Private radio, television and communications stations. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.792 Manufactured home structures.

A manufactured home (mobile home) is authorized to be placed within this district for a temporary time period, not to exceed five years, to serve nonresidential uses as provided for in permitted and conditional use code sections (OHMC 19.20.775 and 19.20.785). A two-year extension may be approved by separate application. Development is subject to all other provisions of this code the same as on-site construction. Manufactured homes shall not be authorized for use predominantly as storage. Manufactured homes shall not be permitted in a public facilities district where the public

facility zone is adjacent to central business district zones. All applications for manufactured home structures, including time extensions, must be approved by the planning commission. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.795 Density provisions.

- (1) Minimum lot area: No limitation.
- (2) Minimum lot width: No limitation.
- (3) Minimum lot depth: No limitation.
- (4) Minimum front yard: 35 feet.
- (5) Minimum side yard: No limitation, except when buildings abut a residentially zoned property, then 12 feet each side. For corner lots, a side yard abutting a public street shall be 35 feet.
- (6) Minimum rear yard: No limitation except:
 - (a) When abutting a public street, then 35 feet;
 - (b) When abutting a residential zone, then 12 feet.
- (7) Maximum building height: 35 feet. For manufactured home structures: single story of 25 feet.
- (8) Maximum lot coverage: No limitation.
- (9) Exemptions. Public parking lots are exempt from the density provisions of the PF zone; provided, that other provisions of this title shall apply. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.800 Landscaping requirements.

- (1) Design shall be in accordance with the provisions of the Oak Harbor design guidelines.
- (2) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.805 Site plan and design review required.

Site plan and design review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article XVI. OS – Open Space, Recreation and Agriculture

19.20.810 Purpose and intent.

The OS open space, recreation and agriculture district is intended to allow the retention of natural, rural character, open space areas within the city of Oak Harbor, and to allow for annexation of lands

to the city without forcing immediate development, and generally conserve the land, water and other natural resources of the city. Further, the OS district is intended to help prevent development of special community resources such as golf courses, wetlands, forest land and farming areas having scenic and other environmental value. Except for special circumstances, it is anticipated that this district will be used only for land brought into the city by annexation or for which special tax considerations are already provided by Island County. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.815 Principal permitted uses.

In the OS district, the following are principal permitted buildings and uses:

- (1) Agriculture land;
- (2) Forest land;
- (3) Outdoor recreation lands such as golf courses, shooting ranges left in natural vegetative state;
- (4) Wetlands and wildlife habitat dedicated to open space. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.820 Accessory permitted uses.

In the OS district the following are accessory permitted uses:

- (1) For an agricultural use, a set of farm buildings including a single-family residence. Nothing herein shall be construed as authorizing the keeping of domestic livestock beyond what is otherwise authorized by ordinance.
- (2) For forest land, a storage building in which to store items needed for tree management.
- (3) For recreation land, such as a golf course, storage buildings, signs, club house and caretaker's residence.
- (4) Single-family residence otherwise permitted by law. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.825 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an OS district when authorized by the hearing examiner:

- (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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

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. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

19.20.840 Site plan and design review required.

Site plan and design review shall be required as defined in Chapter [19.48](#) OHMC. (Ord. 1573 § 1, 2010; Ord. 1555 § 8, 2009).

Article XVII. Maritime

19.20.900 Purpose and intent.

(1) The purpose of this zoning district is to accommodate water-dependent, water-related and water-enjoyment uses. These water-dependent and -related uses shall be clean industrial uses such as boat building, sail making, water-dependent transportation, warehousing, and other uses that do not include processes that generate byproducts that need to be discharged into the air or water. The intent of this district is to also accommodate commercial uses, to support and energize activity in this area. Since parking is limited in this area, the district should permit uses that are less dependent on automobiles, and promote the use of alternate modes of transportation. Considerations must be given to limit parking in this district to conserve land for buildings and activities. (Ord. 1745 § 1, 2015).

19.20.905 Principal permitted uses.

(1) In a maritime zoning district, the following are principal permitted uses:

(a) Water-dependent uses such as:

(i) Marinas;

- (ii) Yacht clubs;
- (iii) Boat launch ramps;
- (iv) Boat repairs;
- (v) Boat storage;
- (vi) Ferry and passenger terminals;
- (vii) Float plane facilities;
- (viii) Aquaculture;
- (ix) Sewer and storm outfalls;
- (x) Boat building and related industry;
- (xi) Restoration activities.

(b) Water-related uses such as:

- (i) Warehousing of goods transported by water;
- (ii) Professional services serving water-dependent activities;
- (iii) Marine hardware and retail store;
- (iv) Outdoor recreation outfitters.

(c) Water-oriented uses such as:

- (i) Mini-storage facilities related to the marina;
- (ii) Offices that serve water-dependent uses;
- (iii) Laundry facilities.

(d) Water-enjoyment uses such as:

- (i) Restaurants, cafes and food vendors;
- (ii) Bars, taverns and brew pubs;
- (iii) Gifts, hobbies, ice cream;
- (iv) Convenience store including groceries;

- (v) Tours, visitor information centers;
- (vi) Governmental buildings and associated facilities;
- (vii) Transit terminals;
- (viii) Parks and open space. (Ord. 1745 § 1, 2015).

19.20.910 Accessory permitted uses.

(1) Accessory uses are not primary uses and can be allowed along with other permitted accessory uses in a maritime district. The primary use shall be the largest use in a development or constitute 60 percent or more of the area. The following are accessory permitted uses:

- (a) Non-water-oriented offices;
- (b) Caretaker or security residences serving a permitted use;
- (c) Utilities – accessory to permitted uses;
- (d) Parking – accessory to permitted uses. (Ord. 1745 § 1, 2015).

19.20.915 Conditional uses permitted.

(1) The following uses and their accessory uses may be permitted in a maritime district when authorized by the hearing examiner:

- (a) Conference center;
- (b) Hotel and motel;
- (c) Transmission lines and other primary facilities. (Ord. 1745 § 1, 2015).

19.20.920 Uses prohibited.

(1) The following uses are prohibited in the maritime zoning district:

- (a) Residential uses. (Ord. 1745 § 1, 2015).

19.20.930 Density provisions.

(1) In the maritime district the following density provisions apply:

- (a) Minimum lot area, no limitation;
- (b) Minimum lot width, no limitation;

- (c) Minimum lot depth, no limitation;
- (d) Maximum height: 35 feet, 55 feet for water-dependent structures;
- (e) Lots within 200 feet of the ordinary high water mark must meet the development standard requirements of the shoreline master program;
- (f) Parking. There shall be no required parking for permitted and accessory uses. Bicycle racks shall be provided in accordance with the design guidelines and regulations. If parking is provided, it shall not exceed the minimum required and shall meet the parking space size and access requirements of OHMC [19.44.110](#). Parking may be required for conditional uses. The number of parking spaces shall be determined by special studies and reduced to the minimum needed or available. (Ord. 1745 § 1, 2015).

19.20.940 Conditions governing permitted uses.

(1) All principal uses permitted outright in the maritime district shall meet the following conditions:

- (a) Uses permitted in this district shall not include processes that generate byproducts that need to be discharged into the air or water.
- (b) The use of property must not result in the creation of offensive odors and offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.
- (c) Landscaping and buffers between commercial and industrial uses shall be constructed and maintained in accordance with the provisions of Chapter [19.46](#) OHMC.
- (d) Uses that are intended for storage or warehousing are not permitted to store materials that are considered hazardous, toxic or environmentally damaging.
- (e) If located within 200 feet of the shoreline OHM, development standards established in the shoreline master program shall be incorporated.
- (f) In the event that the requirements of this chapter contradict with the shoreline master program, the more restrictive shall apply.
- (g) Adhere to the design guidelines and regulations. (Ord. 1745 § 1, 2015).

19.20.950 Site plan and design review required.

(1) Site plan and design review shall be required as per Chapter [19.48](#) OHMC. (Ord. 1745 § 1, 2015).

City of Oak Harbor Comprehensive Plan Chapter 14:
City of Oak Harbor and NASWI Community Coordination

Chapter 14 → City of Oak Harbor and Naval Air Station Whidbey Island Community Coordination

Just as the Defense Base Closure and Realignment Commission recognized the importance of the NAS Whidbey to the Navy, the City of Oak Harbor recognizes its importance to the greater Oak Harbor community. This section of the Comprehensive Plan provides a summary of the goals and policies that support the mission of NAS Whidbey and displays the spirit of cooperation between the City of Oak Harbor and the Navy. NAS Whidbey and Oak Harbor are interconnected by planning issues. Goals and policies that either directly support NAS Whidbey Island or that support the military and civilian personnel who are employed there, can be found in every element of the Comprehensive Plan. Listed below are some key statements, goals and policies. Please note that not all policies associated with a particular goal are shown.

Comprehensive Plan Elements Land Use Element

NAS Whidbey

NASWI is the single largest employer on Whidbey Island. Its Ault Field location and flight operations' proximity to Oak Harbor influences the city's land use patterns. Noise contours emanating from their training flight paths have been mapped and play a crucial role in building construction techniques to mitigate noise impacts. The orientation of runways at

Ault Field also creates Accident Potential Zones (APZ) that overlap on properties within the city. These areas have overlay restrictions on uses to promote compatibility and safety. Due to these impacts, the land use patterns to the north of the city have been designated primarily for industrial uses to limit people intensive uses, reduce potential impacts, and promote safety.

Goal 2 – Encourage land use patterns that promote health and safety

- 2.j. Prohibit people intensive and residential uses from locating in high noise and aircraft crash zones.
- 2.k. Require noise abatement construction standards based on noise level zones.

Goal 3 – Support a vibrant economy

- 3.c. Support NAS Whidbey and its continued operation by discouraging:
 - 1. Encroachment of incompatible uses;
 - 2. Residential uses from locating north on NE 16th Avenue alignment;

- 3. Structures that are a hazard to flight navigation;
 - 4. People-intensive uses in high noise areas and potential crash zones.
- 3.d. Require the disclosure of potential noise and accident potential impacts to prospective buyers, renters, or leases of property and structures in the city and UGA.

Goal 4 – Promote a diverse and affordable housing stock

- 4.g. Coordinate housing growth strategies with changes in school enrollment projections and NAS Whidbey expansions.

Urban Growth Area Element

The Urban Growth Area (UGA) plays a significant role in planning for Oak Harbor's future. Oak Harbor's UGA also assists the City in meeting State planning Goals; such as encouraging development in urban areas where public facilities and services exist or can be provided in an efficient manner, reducing the inappropriate conversion of undeveloped land into sprawling low density developments, and protecting the environment and enhancing the state's high quality of life. Consistent with the County-Wide Planning Policies, the term UGA includes both the incorporated land and the surrounding unincorporated area that is planned to accommodate future urban development. Policies that relate to NAS Whidbey include:

Goal 3 - The City and County shall adopt inter-jurisdictional cooperation policies regarding land within and surrounding the UGA.

- 3.c. Continue to use an amend as necessary the Interlocal Agreement between Oak Harbor and Island County as the primary means of implementing compatible land use policies, procedures, public facility planning, and development standards and regulations within the UGA.
- 3.d. Plan development within the UGA for future annexation to the City by ensuring uses are compatible with the adopted Comprehensive Plan.

Housing Element

The ability to provide adequate opportunities for housing, and affordable housing, is important to the City of Oak Harbor. It is especially important to the City's relationship with NAS Whidbey as the personnel employed by the Navy are only partially housed in Navy housing. Affordability of housing is recognized as a key factor in the ability of Oak Harbor to meet the needs of all its citizens.

Two Comprehensive Plan goals directly support the City's efforts in providing for adequate housing:

Goal 1 - Ensure that adequate opportunities exist for low and moderate-income families to obtain affordable housing.

Goal 3 - Identify and provide sufficient and appropriate land for housing.

Utilities Element

Water

Oak Harbor obtains water from Anacortes via 10- and 24-inch transmission lines, and from an aquifer below the City via three wells. The Anacortes supply is the primary source. Oak Harbor has entered into a 20-year Water Supply Agreement with Anacortes, and renegotiates water charges and committed water volume with an annual amendment. The Navy is a wholesale water customer of the City. The Navy and the City have an equal allocation of water capacity through the existing transmission lines. The supply and transmission system has sufficient capacity to meet the projected 20 year population demand for the UGA service area, with an excess capacity of 16% if the City's wells are not producing and 21% if the wells are producing.

Wastewater treatment

The City and the Navy share a wastewater treatment facility on the Seaplane Base. An existing contract determines the amount of treatment capacity allocated to both entities.

Existing goals and policies address wastewater discharge requirements:

Goal 4 - Minimize aesthetic and environmental degradation from utility operation, installation, replacement, repair and maintenance.

4.g Meet National Pollution Discharge Permit requirements for sanitary sewer discharge.

Transportation Element

Transportation within Oak Harbor and to and from the Ault Field and the Seaplane Base is addressed in general terms by the goals and policies of the Transportation Element. The City of Oak Harbor recognizes that efficient transportation systems support NAS Whidbey operations.

Goal 1 - Safe for all Users

Goal 2 - Connected and Efficient

- 2.f. Coordinate all modes of transportation to enhance effectiveness and efficiency. Promote a transportation network, including non-motorized modes, that allows for convenient access to major destinations within the City of Oak Harbor.

Goal 3 - Multimodal, Offering User Friendly Transportation Options

- 3.b. Coordinate with Island Transit to identify locations for future transit infrastructure and improvements that will more effectively serve the developing areas of Oak Harbor, such as bus stops, bus pullouts, bus stop shelters, and park-and-ride facilities.

Goal 6 - Integrated with the Regional Transportation Network to Address a Diverse Range of Transportation Interests

- 6.a. Ensure efficient management of all transportation resources through cooperation in planning and project development with Federal, State, regional, and local jurisdictions. Work with Island County to continue consistency and interconnectedness in Oak Harbor's Unincorporated UGA.
- 6.c. Work with adjacent jurisdictions and transportation agencies to identify

necessary improvements to the regional roadway system to ensure adequate regional access to and from the City of Oak Harbor.

Capital Facilities Element

The Capital Facilities Element links adequate physical infrastructure and facilities with development. As with the other elements, coordination between the City and the Navy on capital facility projects benefits both parties.

Goal 2 - Implement capital facilities projects in accordance with the funding policy priorities of Oak Harbor.

- 2.c. Coordinate with the Navy, Island County, and other applicable agencies during planning stage for timely siting and development of facilities of regional significance to ensure the consistency of each jurisdiction's plans.

Economic Development Element

As was noted earlier, as the largest employer in North Whidbey, NAS Whidbey has a significant economic impact on the greater Oak Harbor area. Yet it is realized that additional economic growth is required in order for Oak Harbor to maintain economic stability. This chapter of the Comprehensive Plan is in part based upon the '*North Whidbey Economic Diversification Action Plan*,' which contains the following mission statement:

"North Whidbey is committed to creating a planned and diversified local economy that creates opportunities for fairly paid employment and a strong local tax base, while respecting the unique quality of life we treasure. To accomplish this mission,

we will create proactive community and customer service support programs which will maintain NAS Whidbey, support the vitality of existing businesses and encourage compatible new economic activities.”

The Economic Development Element provides the goals and policies intended to assist in meeting this goal.

Goal 4 - Continue working with the Navy to enhance economic opportunities.

- 4.a. The City of Oak Harbor supports the continuing operation of NAS Whidbey as a military installation. Should the present character of operations and mission change in the future such that the Navy can support joint use, then the opportunity for joint use of Ault Field should be explored.

Discussion - The opportunity for joint use of Ault Field was explored in the North Whidbey Community Diversification Action Plan of April, 1994. The Plan's conclusion; "The operations of NAS Whidbey and related directives regarding military, security and other logistical, environmental and surplus issues clearly make joint use not a viable option, particularly for the scope of time of this study" (Chapter 1, page 10).

Laws, regulations, policies, and criteria regarding joint use of military airports can be found in the Federal Aviation Act of 1958, the Federal Airport and Airways Development Act of 1970, the Federal Airport and Airways Improvement Act of 1982, and Secretary of the Navy Instruction 3770.2. Associated airspace, land use, facilities, environmental, etc., regulations, policies, and/or criteria may also apply and can be found in applicable Public Law, Executive Order, the National Environmental Policy Act, Department of Defense and Department of the Navy policies and regulations, Federal Aviation Regulations, etc.

- 4.c. The City should work together with the Navy to encourage Naval procurement of local products and services.

Goal 5 - Implement long-range economic diversification projects to provide job opportunities and reduce economic reliance on Naval Air Station Whidbey Island.

Discussion - The majority of the policies within this Goal can be referenced directly to the "North Whidbey Community Action Plan".

- 5.a. The City, in cooperation with Island County and other stake-holders, should work to increase the number of jobs in primary industries and the retention of existing employment.
- 5.c. The City should work to establish the North Whidbey Enterprise Area to facilitate the creation of primary jobs in targeted business sectors (see North Whidbey Economic Diversification Action Plan and map).
- 5.d. The City should plan to annex the Enterprise Area and coordinate the extension of utilities, in conformance with the UGA and Utilities Element.
- 5.e. For consistency with the Enterprise Area concept, review existing standards, such as requirements for fire flow and sanitary sewer.
- 5.f. The City should pursue the financing and construction needed to upgrade Goldie Road and Oak Harbor Road corridors and extension of Cemetery Road, in conformance with the Transportation Element.
- 5.g. Adopt performance zoning and design standards for the Enterprise Area to allow flexibility in site design and use, while requiring a high standard of aesthetics, circulation, and overall compatibility with the small-town

character of Oak Harbor and unincorporated Island County.

- 5.h. The City should adopt a minimum target to increase the share of North Whidbey area manufacturing jobs from 4 to 8 percent as well as increase transportation and utility jobs from 1 to 3 percent of all non-agricultural workers by the year 2013.

Discussion - The wording of this policy is to suggest an increase in private sector jobs, rather than governmental jobs.

- 5.i. Encourage non-polluting industries to locate within the city and/or urban growth area.
- 5.j. The City should pursue funding and construction of the North Whidbey Enterprise Area sewer as a means of encouraging economic growth and job creation in this area.

Urban Design Element

The Urban Design Element provides the goals and policies that direct the visual appearance of the community. These goals and policies directly contribute to the quality of life for all the citizens of Oak Harbor.

Goal 4 - Protect viewsheds and view corridors.

Discussion - The City of Oak Harbor defines a viewshed as a panoramic view from a single location. Significant viewsheds include views of Mt. Baker, Mt. Rainer, Cascade mountain range, Olympic mountain range, Oak Harbor Bay, Maylor Point (especially wooded and tidal flat areas) and Saratoga Passage.

- 4.f. The City and the Navy should cooperate on the protection of viewsheds and view corridors.

Goal 8 - The City should adopt measures to enhance the entryways into Oak Harbor with early and continuous community input.

- 8.c. Form partnerships with the Navy, the Washington State Department of Transportation, Island County and other property owners to implement the entryway design guidelines.