

**2023**  
**ISLAND COUNTY COMMISSIONER'S WORK SESSION SCHEDULE**  
**June 21, 2023**

Meetings are available remotely. Those interested in attending the meetings by computer, tablet, or smartphone may use the following link: Join Zoom Meeting:

<https://tinyurl.com/ICWorkSession> **Meeting ID:** 957 0144 6335 **Passcode:** 969196

**Dial by your location:** +12532158782, 95701446335#, \*969196# US (Tacoma)

9:00 a.m.      Budget/Risk  
9:20 a.m.      Public Works  
11:05 a.m.      Facilities  
11:25 a.m.      Public Health

**NOON BREAK**

1:00 p.m.      County Administrator  
3:00 p.m.      Commissioners

The Board of County Commissioners meets in Work Session routinely on the first three Wednesdays of each month (unless otherwise scheduled). Work Sessions are held in the Annex Building, Board of County Commissioner's Hearing Room, #B102, 1 NE 6<sup>th</sup> Street, Coupeville, WA.

Work sessions are public meetings which provide an informal workshop format opportunity for the Board to review ongoing issues with individual departments and elected officials. This time is used for the Board to meet with other agencies, committees, and groups to discuss specific topics of mutual interest. Items are typically first reviewed at Work Session before being scheduled on the agenda for the Board's regular Tuesday business meetings.

Written public comment is welcomed and can be directed to the Clerk of the Board by submitting it to [CommentBOCC@islandcountywa.gov](mailto:CommentBOCC@islandcountywa.gov) or [j.roll@islandcountywa.gov](mailto:j.roll@islandcountywa.gov). If you have questions regarding public comment you may call 360-679-7385. Written comments presented by members of the public are considered a public document and must be submitted to the Clerk of the Board.

Times for each department are approximate. Due to time constraints, a time slot scheduled for a specific department may be revised (earlier or later) as the Work Session progresses. Because of the workshop format and time sensitivity of certain items, topics and materials may be presented that are not included in a department's agenda. **If you are interested in reviewing those documents, please contact our office at 360-679-7354.**

**NOTE: Audio recordings are posted within 48 hours of the meeting date. To listen to the recording visit the Island County website or [click here](#).**

**NOTICE:** Persons requiring auxiliary aids/services should call Island County Human Resources at 360- 678-7919, 629-4522 Ext. 7919, or 321-5111 Ext. 7919 – at least 24 hours prior to the meeting.



## ISLAND COUNTY BUDGET/RISK

### WORK SESSION AGENDA

DATE: 6/21/2023

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To: Janet St. Clair, Chair  
Board of Island County Commissioners  
From: Susan Geiger, Director

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Amount of time requested for agenda discussion. 20 minutes

Agenda Item No.: 1

Subject: **Island County Safety and Prevention Program 2020-2022 Summary**

Description: Presentation of the Safety and Accidents Prevention Program to include a review the 2020-2022 activities, incidents, and work plan for 2023.

Attachment: Memo and PowerPoint

Request: *(Check boxes that apply)*

Move to Consent       Move to Regular

None/Informational       Discussion

Signature Request       Other: \_\_\_\_\_

IT Review Complete:  Not Applicable

Budget Review Complete:  Not Applicable



## Island County Budget & Risk Management

Susan M Geiger, Director

1 NE 7th Street, Coupeville, WA 98239

Ph: Whidbey 360-678-7837

Email: SM.Geiger@islandcountywa.gov | www.islandcountywa.gov

### MEMORANDUM

Date: April 26, 2023

To: Board of County Commissioners  
Michael Jones, County Administrator

From: Susan Geiger, Director  
Lynette Goodell, Assistant Risk Manager/Safety Coordinator

Subject: Island County – Safety and Accident Prevention Program – 2020 through 2022  
Summary

Due to the COVID pandemic, staff shortages and leadership changes in Risk Management, it has been almost three (3) years since an annual report has been presented to the Board of County Commissioners by the Safety and Accident Prevention Program. During this time, the Safety Program lost some of its momentum that we had worked so hard to establish in 2019, due to the inability to travel, working from home and re-prioritizing our workloads.

Now in 2023, as a result of the hiring of a Budget Analyst and Public Records Officer, the Safety Coordinator has the much-needed capacity to focus on our safety program.

The following is a summary of the Island County Safety and Accident Prevention program procedures, activities and accomplishments since 2019:

#### Safety Training

Standard safety training continues to include new employee and volunteer safety orientation including FEMA IS-907 Active Shooter and opportunities to attend annual CPR/First Aid/AED Training.

In 2021, the Safety Coordinator collaborated with the Department of Emergency Management and local fire districts, to offer fire extinguisher training to our employees. We provided a class at the Camano Road Shop, District Court and Oak Harbor Road Shop and two (2) classes at the Coupeville Fire Station.

In 2022, the Safety and Accident Prevention Program, added three (3) courses from the Knowledge City software platform to its recommended training:

Characteristics of Good Customer Service  
Recognizing and De-Escalating Violence

## Conflict Resolution: Office or Industrial

### **Driver Monitoring**

As a member of the Washington Counties Risk Pool, Island County is required to monitor the driving history of each employee and volunteer who drives a county vehicle. We continue to check the status of each new employee/volunteer Washington state driver license, obtain abstracts for those that frequently drive a county vehicle and monitor their activity through a 3<sup>rd</sup> party software program. The Safety Coordinator receives notification of any infractions and informs the employee and their supervisor.

In addition, the Safety Coordinator, is the county's Designated Employer Representative for the Association of Washington Cities Drug & Alcohol Consortium, which coordinates the monitoring of our CDL holders. Risk Management provides driver information to a database for random drug testing on a monthly basis. We maintain all confidential records pertaining to this program.

Until recently, we only had the capability of testing during normal business hours. In the last month, the Safety Coordinator has worked to designate available locations in Marysville (to cover Camano Island) and Anacortes (to cover Whidbey Island) for weekend testing if needed. We also have the option to have the testing performed on-site.

### **Safety Meetings**

1. **Employee Safety Committee.** The Employee Safety Committee continues to meet the first Thursday of each month from 9:00 a.m. to 10:00 a.m. At this time, we have almost full membership per the Island County Safety and Accident Prevention Program manual guidelines. The Juvenile Detention Center is the only location without member representation.

Although the Committee is at 94% capacity, the average participation for the last three (3) years is 65%.

Per the Island County Safety and Accident Prevention Program manual, the Committee members are expected to:

a. At each meeting:

- Attend (or have alternate member cover absence).
- Review and approve minutes from previous meeting.
- Review the incident log and identify unsafe conditions.
- Evaluate accident investigations to see if cause of unsafe situation was corrected.
- Recommend improvements.
- Receive training about safe work practices.

b. Between meetings:

- Encourage safe work practices.
- Communicate safety issues to Employees they represent.
- Assist in the coordination and evaluation of emergency drills.

In February 2023, the Safety Coordinator developed a Safety Committee Recommendation form to advise departments/offices of recommendations made by the Safety Committee pertaining to a particular incident/accident reported or a continuing safety hazard. All recommendations are made by the Committee members with the approval of the Assistant Risk Manager/Safety Coordinator and final approval by the Risk Manager. The recommendation is provided to the appropriate Department Head/Elected Official with the expectation that the Committee will receive a response. This process provides the Committee a means to address safety hazards and provides an outlet for a collaborative effort to correct these hazards.

**2. Public Works Safety Meetings.** The Safety Coordinator continues to attend safety meetings at each of the Road Shops and the Coupeville and Camano Solid Waste sites.

**3. Other Safety Meetings.** The Safety Coordinator is currently working with staff at multiple locations to evaluate current safety protocols, update procedures and resources and provide staff training.

#### **Facility Safety Inspections**

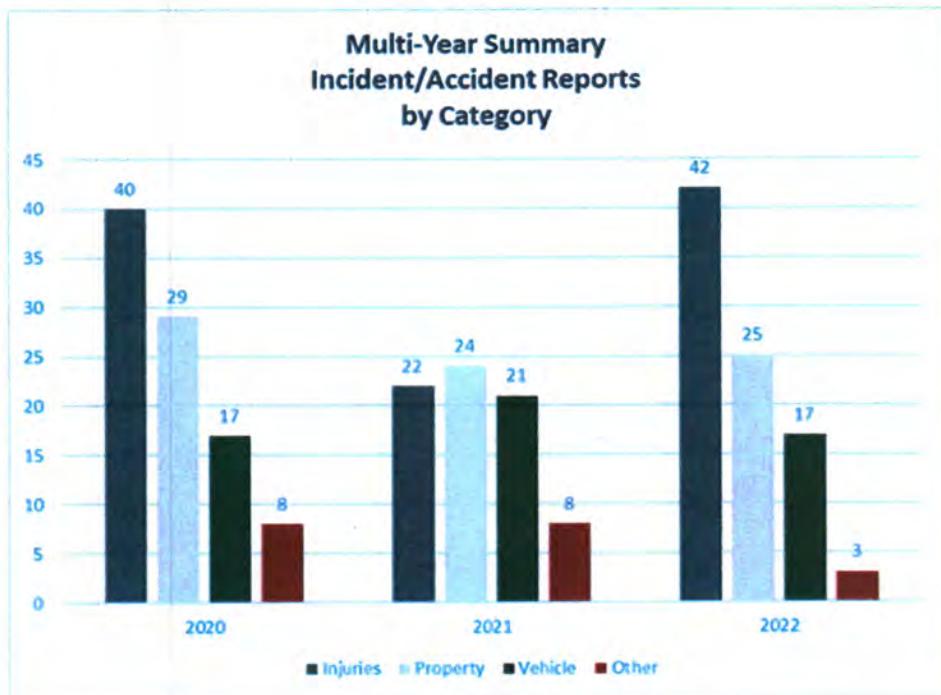
In 2019, it was clear that the Facility Safety Inspection Checklist that had been used for years, was not suitable for the various types of facilities in Island County. At that time, the Road Shop Mechanics and Safety Coordinator began the process of developing a customized form for Road Shop inspections. Due to all of the events in the last few years, this project was put on hold.

In 2023, the Safety Coordinator developed two (2) new Facility Safety Inspection Checklists (currently in draft form) – one for an Office Building setting and one for a Road Shop complex. In addition, one will be developed for a Parks Maintenance Shop and a Solid Waste facility.

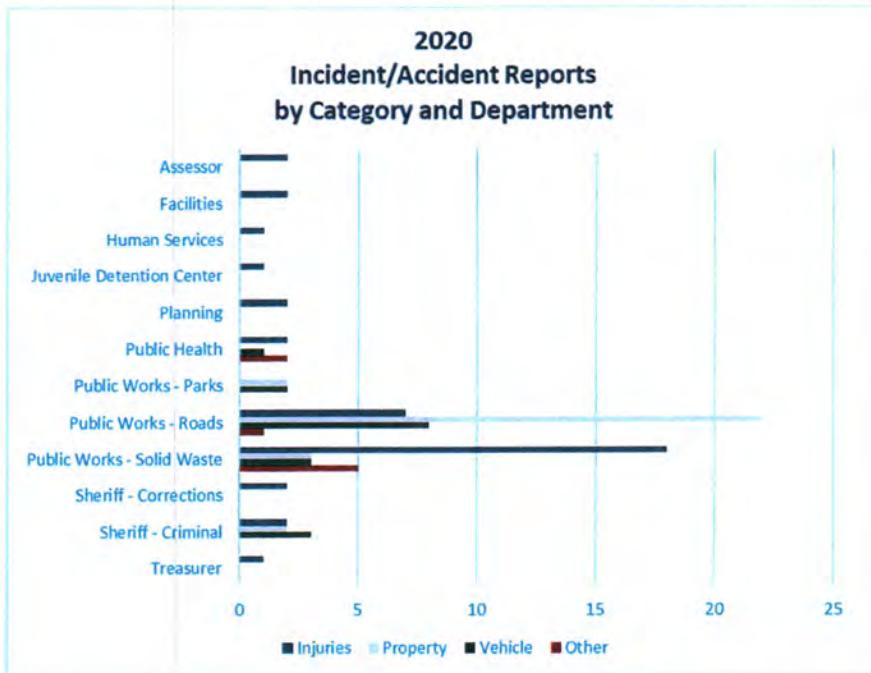
#### **Incidents and Accidents**

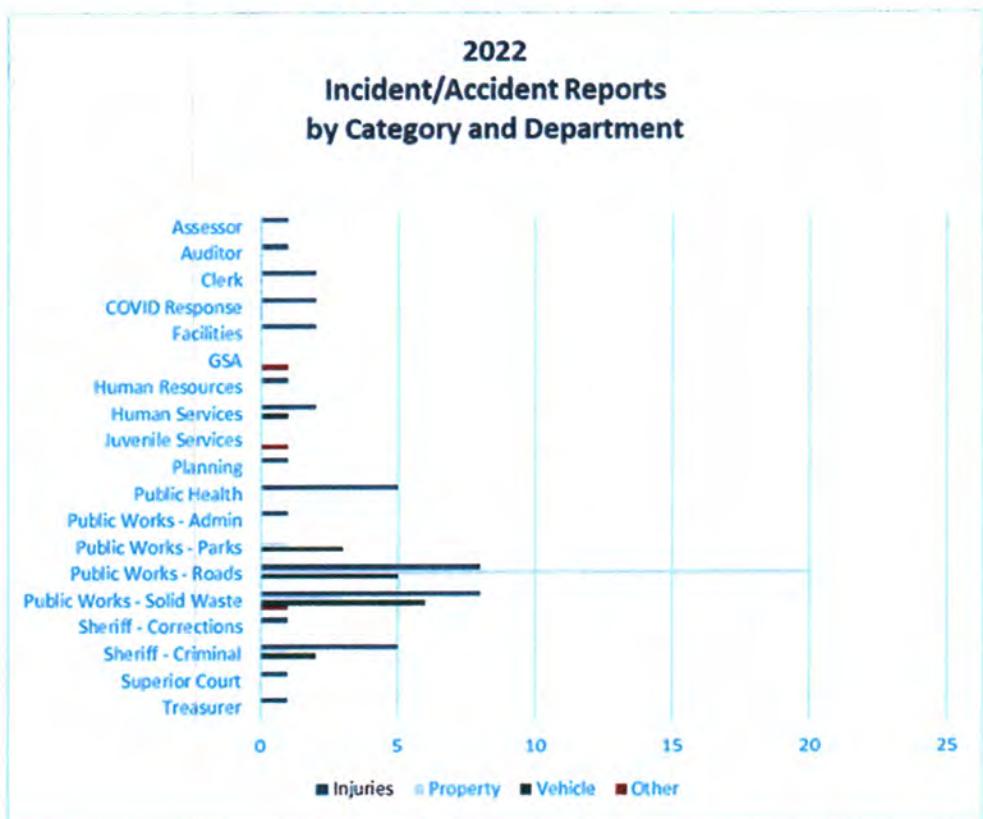
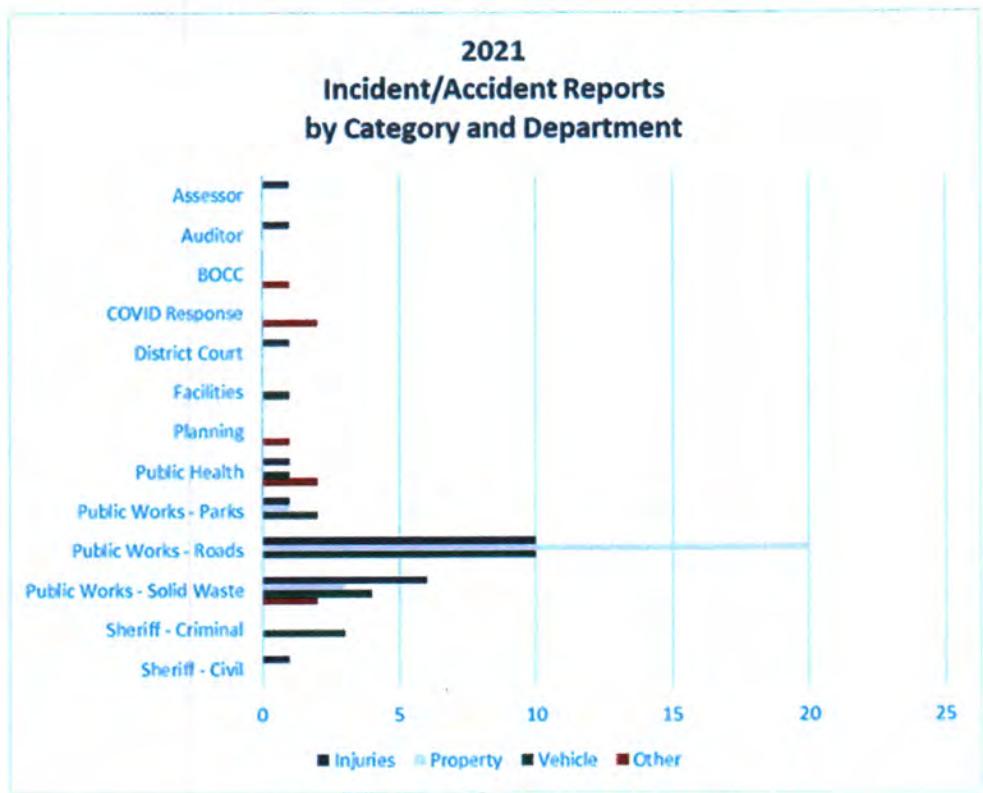
Island County employees must report ALL Incidents and Accidents that cause personal injury, damage to equipment, property or vehicles, non-injury occurrences and those involving members of the public, to the Safety Coordinator. Risk Management assigns each report into one (1) of four (4) categories: I = Injury, P = Property, V = Vehicle and O = Other. The “Other” category is for those incidents/accidents that don’t fit in discreetly with the Injury, Property and Vehicle categories.

**Multi-Year Incident/Accident Report Summary.** The following chart shows the Incident/Accident reports filed for 2020 (94), 2021 (75) and 2022 (87) by category. There was a significant reduction in Injury Incident/Accident reports filed in 2021. During the last 10 years' our average is 88 per year; a high of 119 reports were filed in 2018, a low of 62 reports were filed in 2014.



The following are individual charts for 2020, 2021 and 2022 by Category and Department:

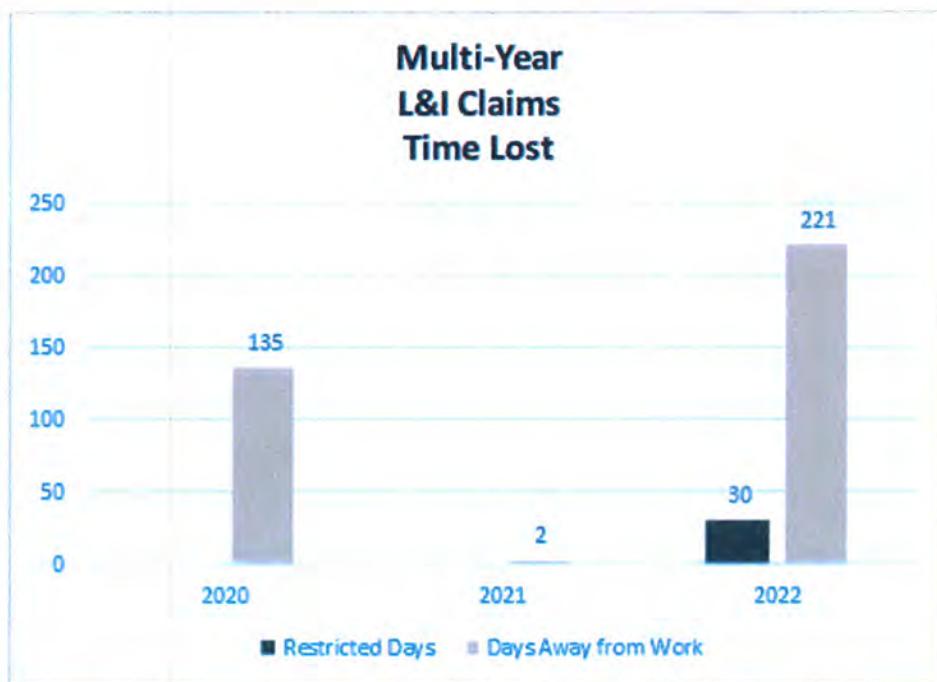




a. **Injury Incident/Accident Reports.** Of the 256 total Incident/Accident reports filed in between 2020 and 2023, 104 of those were for injuries (90 – Employee, 13 – Public, 1 – Inmate).

As a result of the employee-reported injuries, 50 L&I claims were filed for the multi-year period with 2 of the claims being rejected. One additional L&I claim was filed without submission of an Incident/Accident report.

On an annual basis Island County is required to complete and report OSHA Forms 300, 300A and 301 for both Camano and Whidbey Island(s), to record work-related illnesses and injuries that result in death, loss of consciousness, days away from work, restricted work activity or job transfer or medical treatment beyond first aid.



The L&I claims costs (medical, time-loss, miscellaneous and disability awards) for this period are approximately \$132,177.

b. **Property Incident/Accident Reports.** Of the 256 total Incident/Accident reports filed in between 2020 and 2023, 78 of those were submitted to report property damage.

Multi-Year Property Incident/Accident Reports	
Department – Division	Number of Reports
Public Works – Parks	4
Public Works – Roads	62
Public Works – Solid Waste	9
Sheriff – Criminal	3

The highest number of property damage incidents/accidents (62) were reported by Public Works – Roads, 50% of which were a result of mowing operations. As reported in 2019, these incidents typically involve a utility pedestal overgrown by vegetation, making it difficult for our operators to see potential hazards. In most instances, the utility companies do not maintain the area around their equipment regardless of whether or not there is an existing franchise agreement.

**c. Vehicle Incident/Accident Reports.** For the multi-year period there was a total of 55 vehicle incident/accident reports submitted. Twenty-one (21) of the incidents were caused by the driver of another vehicle, not a county employee.

Multi-Year Vehicle Incident/Accident Reports	
Department – Division	Number of Reports
Facilities Management	1
Human Services	1
Public Health	2
Public Works – Parks	7
Public Works – Roads	23
Public Works – Solid Waste	13
Sheriff – Criminal	8

**d. Other Incident/Accident Reports.** For the years 2020, 2021 and 2022, there were nineteen (19) Incident/Accident Reports classified as Other.

Multi-Year Other Incident/Accident Reports	
Department – Division	Number of Reports
BOCC	1
Covid Response	2
GSA	1
Juvenile Services	1
Planning	1
Public Health	4
Public Works – Roads	1
Public Works – Solid Waste	8

As you can see, nearly half of those reported as Other were related to Public Works – Solid Waste, mainly involving customers.

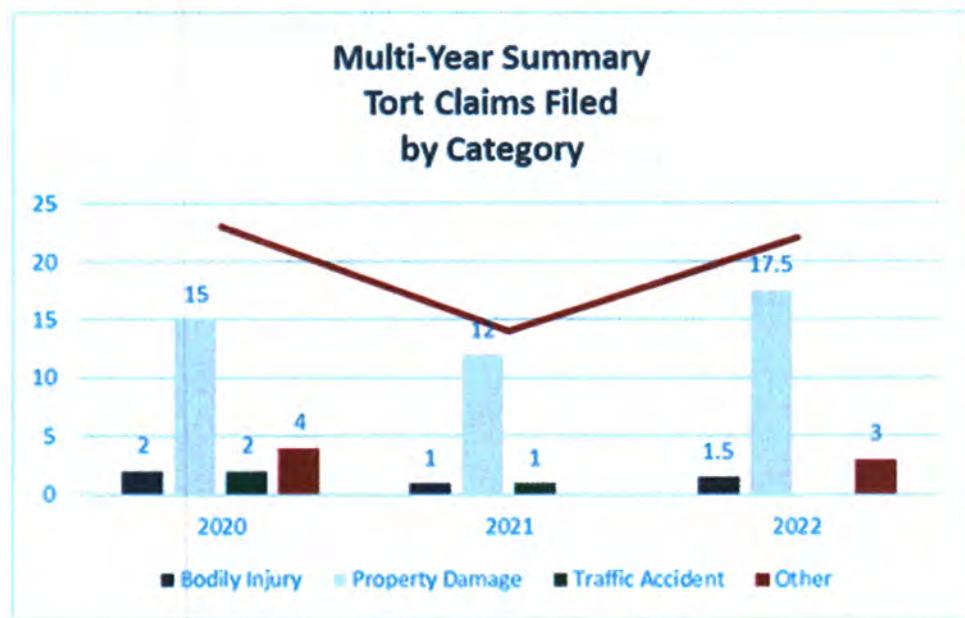
### **Tort Claims**

Island County Risk Management receives and logs all claims submitted against Island County and its officers, employees or volunteers. Risk Management assigns each claim into 6 general categories: Bodily Injury, Building/Permits, Land Use, Property Damage, Traffic Accident or Other.

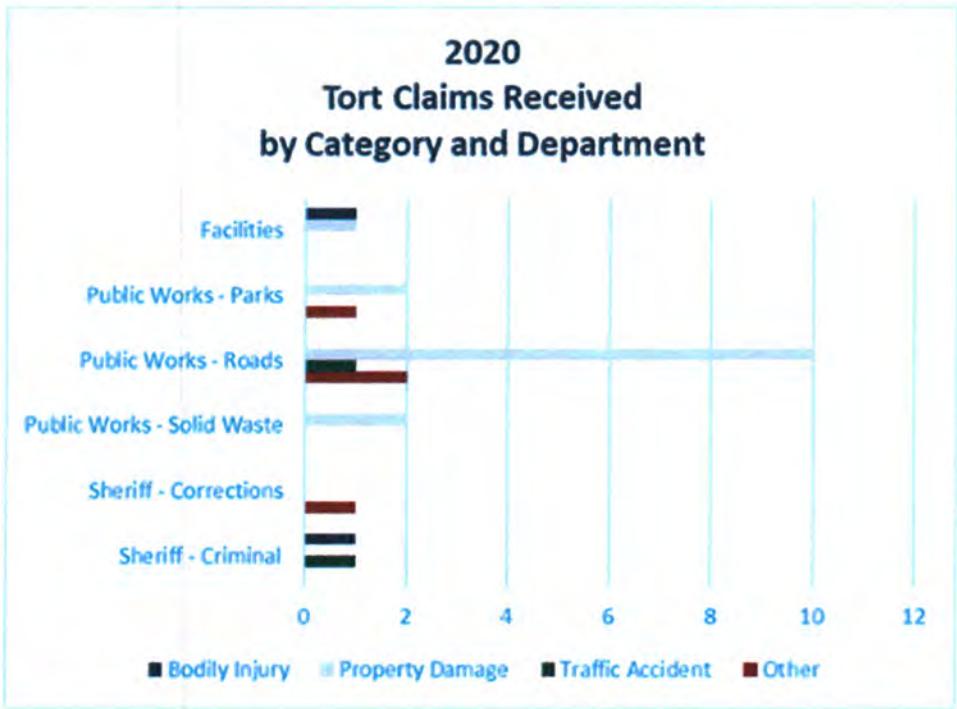
**Multi-Year Tort Claims Summary.** The chart below shows the Tort Claims filed against Island County for 2020 (23), 2021 (14) and 2022 (22) by category. There was a significant reduction in tort

claims filed in 2021, directly related to the reduction in incident/accident reports filed for the same period.

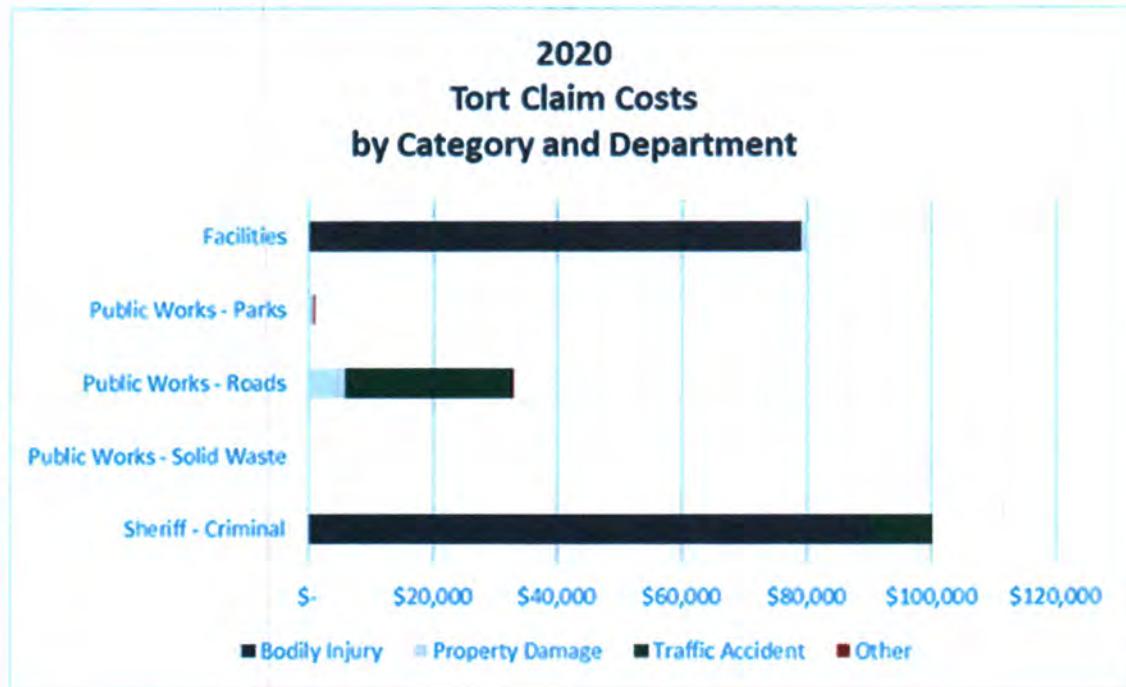
During the last 10 years' our average is 23 per year; a high of 39 claims were filed in 2017, a low of 14 claims were filed in 2021.



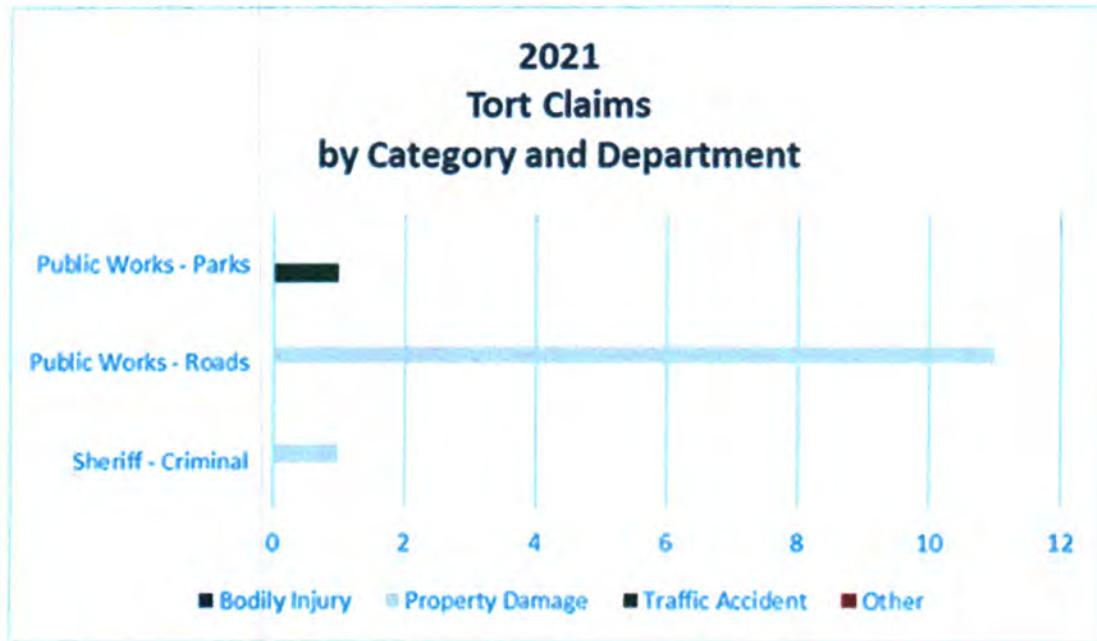
The following chart provides a look at the 2020 tort claims reported by category and department:



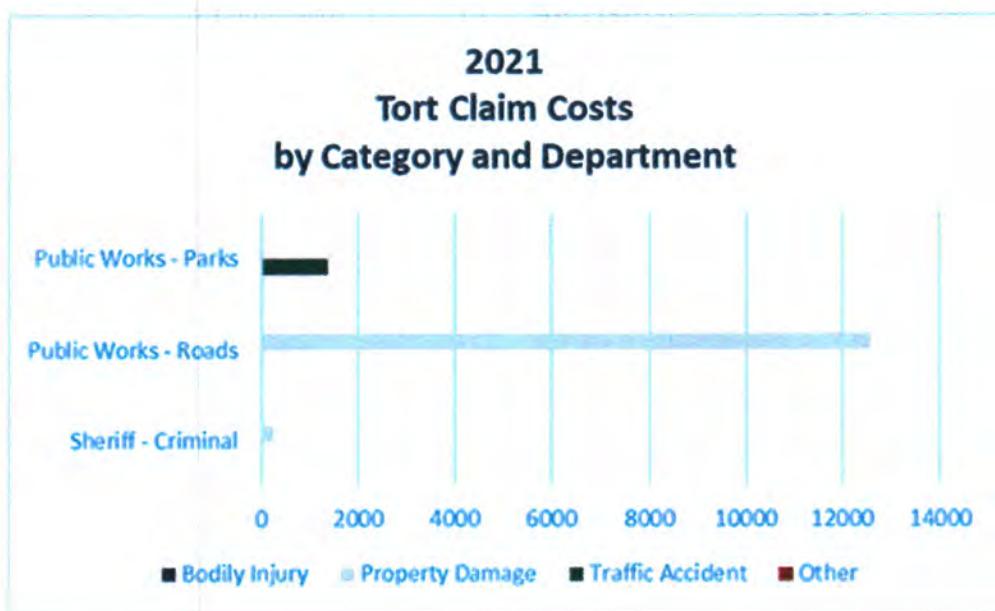
In 2020, Island County received 23 tort claims; 4 of those claims were denied; 2 claims are still pending. The remaining 17 claims cost Island County approximately \$214,312, all of which were beneath our deductible threshold of \$100,000. The chart below illustrates the claim costs by category and department.



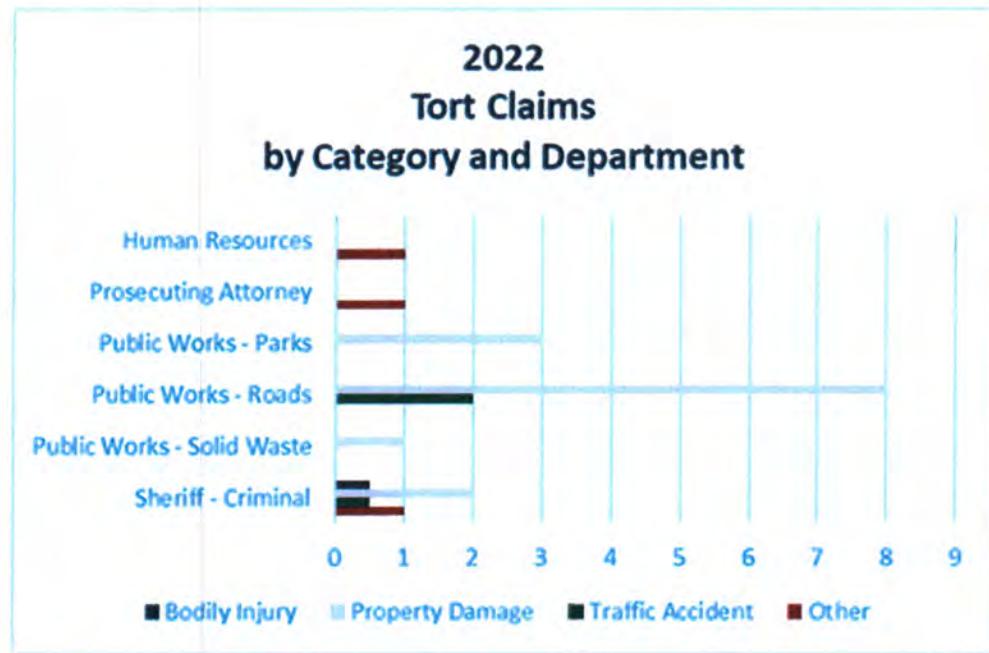
The following chart provides a look at the 2021 tort claims reported by category and department:



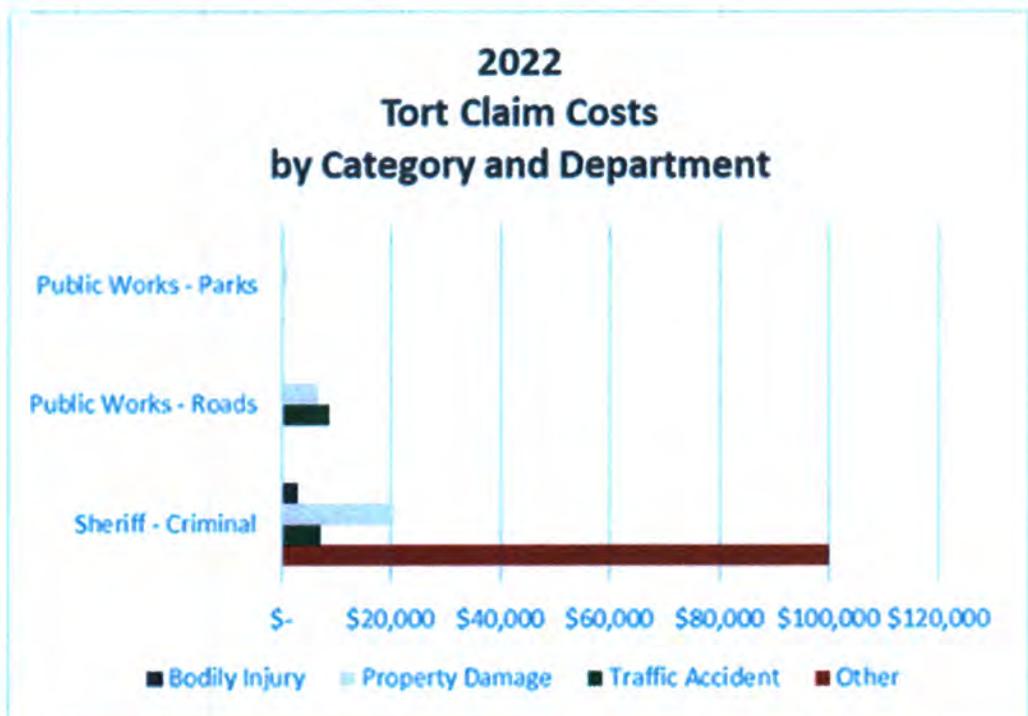
In 2021, Island County received 14 tort claims; 5 of those claims were denied; 1 claim is still pending. The remaining 8 claims cost Island County approximately \$14,226, all of which were beneath our deductible threshold of \$100,000. The chart below illustrates the claim costs by category and department.



The following chart provides a look at the 2022 tort claims reported by category and department:



In 2022, Island County received 22 tort claims; 5 of those claims were denied; 2 claims are still pending. The remaining 15 claims cost Island County approximately \$146,844. The chart below illustrates the claim costs by category and department.



#### Property Loss Claims

During this multi-year period, Island County Risk Management processed 7 claims related to damage of Island County property. Public Works property damage consisted of 4 claims; the Sheriff's office property damage consisted of 3 claims.

Based on a recommendation from Public Works we did not pursue one of these claims. To date Island County has received reimbursement in the amount of \$22,004.64 for 3 claims.

#### Administration

##### a. 2023 Work Plan – Employee Safety Committee

Project	Details	Other Departments	Time Frame (Qtr)
1. Immediate Threat Checklist	A Desk Reference for Employees to Replace the Island County Emergency Procedures Action List developed prior to 2011 by Emergency Management.	Collaborative effort between all departments through the Employee Safety Committee membership.	1, 2

2. Safety and Accident Prevention Program Manual	Update Manual Adopted in 2019		1, 2, 3
3. Annual Safety Program Update	Provide Annual Safety Program Update to BOCC per the Island County Safety and Accident Prevention Program Manual		1, 2
4. Conduct Active Lethal Threat Training Event on Coupeville Campus	1. Identify & Document Panic Button Locations 2. Ensure Responding Law Enforcement Officers have Access to Buildings with Key Card Entry 3. Identify Notification Process during Lockdown Event 4. Update Building Roster Data 5. Provide Training to Staff 6. Conduct Training Event	Facilities, PW-DEM, Sheriff Other Local Agencies	1 1 1, 2 1, 2, 3, 4 1, 2, 3, 4 4

Although this work plan is titled Employee Safety Committee Work Plan, most of the projects will be completed by the Assistant Risk Manager/Safety Coordinator.



# **Island County Safety and Accident Prevention Program**

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Highlights and Goals



# Highlights

## **Safety Training - Onboarding**

The standard training required by the Island County Safety and Accident Prevention program includes:

- Driving Safety
- Bloodborne Pathogens
- FEMA IS-907 Active Shooter: What Can You Do?

## New Additions

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In 2022, we added three (3) courses from the Knowledge City software platform to its recommended training:

- Characteristics of Good Customer Service
- Recognizing and De-Escalating Violence
- Conflict Resolution: Office or Industrial





# Highlights

## Safety Committee Recommendations

In February of 2023 we developed a Safety Committee Recommendation form to advise departments/offices of recommendations made by the Safety Committee pertaining to a particular incident/accident reported or a continuing safety hazard.

[Safety Committee Recommendation](#)

# Collaboration



Working together to find solutions to safety hazards.



# Highlights

## Facility Safety Inspections Checklists

In the past, the Safety Program utilized a generic facility safety inspection checklist when conducting our building inspections. This year we developed 4 new Facility Safety Inspection Checklists to specifically cover a Road Shop, an Office Building, a Solid Waste facility and a Parks Maintenance Shop.

We begin our inspections for 2023 this month.

# Teamwork



The Facility Safety Inspections are conducted by the Safety Coordinator, a member of the Employee Safety Committee and a representative from the facility being inspected.



# Goals

## 2023 Employee Safety Committee Work Plan

2023 Work Plan  
Employee Safety Committee

Project	Details	Other Departments	Time Frame (Qtr)
Immediate Threat Checklist	A Desk Reference for Employees to Replace the Island County Employee Emergency Procedures Action List developed prior to 2011 by Emergency Management	PW-DEM, Sheriff	1, 2
Safety and Accident Prevention Program Manual	Update Manual Adopted in 2019		1, 2, 3
Annual Safety Program Update	Provide Annual Safety Program Update to BOCC per the Island County Safety and Accident Prevention Program Manual		1, 2
Conduct Active Lethal Threat Training Event on Coupeville Campus	In Development - Collaborative Effort with Multiple Departments and Offices	Facilities, PW-DEM, Sheriff Other Local Agencies	1, 2, 3, 4

# PROJECT:

## **Immediate Threat Checklist – *Project Complete***

In November 2022, one of our committee members, Nikki Maier, facilitated a presentation during our monthly safety meeting on Situational (Security) Awareness. The presentation focused on identifying a threat & the steps employees should take to mitigate a particular threat. As a result, the committee decided to develop a quick reference guide to help employees take appropriate precautions and steps for security for any immediate threat.

HANDOUT INCLUDED

# **PROJECT:**

## **Safety and Accident Prevention Program Manual Update**

The Island County Safety and Accident Prevention Program manual was adopted per Resolution No. C-75-20 on October 6, 2020. The previous manual was dated from 1994.

We will work together with departments and offices to reach our goal of providing guidance that is current and relevant.

# **PROJECT:**

## **Annual Safety Program Update – *Project Complete***

The Island County Safety and Accident Prevention Program manual states that the Employee Safety Committee shall submit an annual report to the Board of County Commissioners.

Due to the COVID pandemic, staff shortages and leadership changes in Risk Management, an annual report has not been submitted since June of 2020.

On April 26<sup>th</sup>, the Safety and Accident Prevention Program submitted a summary for the years 2020 through 2022.

# **PROJECT:**

## **Conduct Active Lethal Threat Training on Coupeville Campus**

The following tasks are complete:

1. Identify and document panic-buttons locations.
2. Ensure responding law enforcement officers have access to buildings with key card entry.

The security committee is working to identify an effective method of notification to employees during an active lethal threat event.

We originally planned to conduct the training during the 4<sup>th</sup> quarter of 2023 but may postpone it until a later date if we are able to hire a consultant to conduct a security assessment. We would want to incorporate current preparation components or other factors to improve the results of active lethal threat training.



## Comments or Questions?

**Thank you for your time today! 😊**



## ISLAND COUNTY PUBLIC WORKS

### WORK SESSION AGENDA

DATE: 6/21/2023

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To: Janet St. Clair, Chair  
Board of Island County Commissioners  
From: Connie Bowers, Director

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Amount of time requested for agenda discussion. 105 minutes

**Agenda Item No.: 1**

**Subject:** Public Works (PW) Problem Solutions for 2024 Budget Discussion

**Description:** Discuss identified PW Problem Solutions in preparation for a 2024 Budget discussion.

**Attachment:** Memorandum, PW Problem Solution Table

**Request:** (Check boxes that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Move to Consent    | <input type="checkbox"/> Move to Regular       |
| <input type="checkbox"/> None/Informational | <input checked="" type="checkbox"/> Discussion |
| <input type="checkbox"/> Signature Request  | <input type="checkbox"/> Other: _____          |

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable

**DIVISION:** Engineering

**Agenda Item No.: 2**

**Subject:** Diking District No. 4 Maintenance Levy Assessment Method Options

**Description:** There is a need for a maintenance levy assessment for Diking District No. 4, and there are two different approaches to consider. We would like to discuss with the Board the two options and get direction on which method to move forward with.

**Attachment:** Memorandum, Diking District No. 4 (1985 Map and Info.)

**Request:** (Check boxes that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Move to Consent    | <input type="checkbox"/> Move to Regular       |
| <input type="checkbox"/> None/Informational | <input checked="" type="checkbox"/> Discussion |
| <input type="checkbox"/> Signature Request  | <input type="checkbox"/> Other: _____          |

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable

**DIVISION:** Solid Waste

**Agenda Item No.:** 3

**Subject:** Solid Waste Transfer Station Assessment Study

**Description:** Presentation and Discussion of the Assessment Study performed by SCS Engineers.

**Attachment:** Memorandum

**Request:** (Check boxes that apply)

- Move to Consent       Move to Regular  
 None/Informational       Discussion  
 Signature Request       Other: \_\_\_\_\_

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable

**DIVISION:** Solid Waste

**Agenda Item No.:** 4

**Subject:** Public Works Board Grant/Loan Opportunity

**Description:** The Washington State Public Works Board has opened funding for the 2023 - 2025 biennium for qualifying projects up to \$10,000,000.

**Attachment:** Memorandum

**Request:** (Check boxes that apply)

- Move to Consent       Move to Regular  
 None/Informational       Discussion  
 Signature Request       Other: \_\_\_\_\_

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable

**DIVISION:** County Roads

**Agenda Item No.:** 5

**Subject:** Camano Island snow gate communication plan

**Description:** Presentation on public outreach and communication around installation of snow gates on Camano Island

**Attachment:** None

**Request:** (Check boxes that apply)

- Move to Consent       Move to Regular  
 None/Informational       Discussion  
 Signature Request       Other: \_\_\_\_\_

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable



## Island County Public Works

*Connie Bowers, P.E., Director and County Engineer*

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1 NE 7<sup>th</sup> Street, Coupeville, WA 98239  
Ph: Whidbey 360-679-7331 | Camano 360-387-3443 | S Whidbey 360-321-5111  
Email: ConnieB@islandcountywa.gov | [www.islandcountywa.gov](http://www.islandcountywa.gov)

### M E M O R A N D U M

June 21, 2023

TO: Board of County Commissioners  
FROM: Connie Bowers, Public Works Director / County Engineer  
RE: Public Works (PW) Problem Solutions for 2024 Budget discussion

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As part of the budget development process, departments submit problems that they are experiencing along with possible solutions. Attached are a summary sheet of the solutions and a table of the identified problems with possible solutions and options.

**NEXT STEPS:** Decisions / direction on possible solutions for Public Works, and other departments, will be discussed further as part of a 2024 Budget meeting.

## Proposed Budget Requests Summary

<b>Parks</b>	<b>Budget Request</b>	<b>Fund</b>
Top dresser spreader	\$20,000	Current Expense
Additional parks techs (2)	\$135,000 annual	Current Expense

<b>Emergency Management</b>	<b>Budget Request</b>	<b>Fund</b>
Community Emergency Response Team supply kits	\$5,000	Current Expense
Emergency Kits at Work Locations	\$15,000	Current Expense
Climate controlled container and trailer	\$55,000	Current Expense
Emergency Operations Center space needs study	\$55,000	Current Expense
Emergency Management: additional Tech 2	\$75,000 annual	Current Expense

<b>Administrative Services</b>	<b>Budget Request</b>	<b>Fund</b>
Additional Administrative Assistant	\$75,000 annual	Roads/Public Works

<b>Roads</b>	<b>Budget Request</b>	<b>Fund</b>
Drone	\$10,000	ER&R
Additional Engineering Tech 2	\$75,000 annual	Roads
Additional Laborer per road shop (4)	\$250,000 annual	Roads
Project Construction Team & Equipment (Salary figure to be updated at meeting)	\$450,000 annual \$860,000 eqpmt	Roads ER&R

Public Works Problems / Solutions for 2024		17-May-23
PROBLEM	SOLUTION	
<b>Parks</b>		
In order to maintain the infields and out fields for athletic activates, a top dresser is a piece of equipment that is used to distribute sand and other materials. This is to ensure field evenness for optimum growth of turf, which in turn, assists with weed and pest control.	Purchase of a top- dressing spreader  <b>Budget request \$20,000 = Current Expense fund</b>  Option - do not purchase equipment and accept a lower level of service	
Island County Parks has a large backlog of deferred maintenance and ongoing projects. This back log has been accumulating for 15 years.	Add two additional park techs  <b>Budget request \$135,000 = Current Expense fund, annual</b>  Option - provide for a term, such as 2 - 5 years Option: Contract out work Option: Continue deferral of infrastructure repairs	
<b>Emergency Management</b>		
During the last Island County Workplace Community Emergency Response Team (CERT) class, Emergency Management was able to provide individual equipment in packs for team members. These were left over from previous years' CERT classes that were supported by grant funding. This grant funding is no longer available.	Provide CERT supplies to Island County employees who attend and pass the Workplace CERT classes. Providing equipment to members not only increases incentive and motivation, but also increases preparedness, allows for follow-on training, increases safety for other employees since members have supplies to respond quickly. The kits would include: Safety equipment (helmets, pads, vests, gloves, goggles, other personal protection equipment), Lights, whistles, tools, first aid supplies.  <b>Budget request \$5,000 = Current Expense fund</b> Option - do not provide incentive equipment / look for future grant funding	
In a major disaster it may be necessary for county employees to remain at work for a period of time due to infrastructure damage and/or immediate response to support the community and facilitate recovery. Utilities and supply chains will likely be damaged resulting in no power, no water, no food, and no means of practicing adequate hygiene. This may also occur in the case of acts of violence where employees are required to "lockdown" for an extended period of time.	Provide Emergency Kits in the locations that Island County employees work to provide safety, comfort, hygiene, and subsistence during emergencies. Supplies will include: Water & Food (both with extended shelf life, over 20 years), Light, Radio, Toilet bucket with waste bags and chemical pack, Hygiene items, Safety equipment, Items for warmth and comfort.  <b>Budget request \$15,000 = Current Expense fund</b> Option - train staff to have their own emergency kit in a desk drawer do not provide equipment	

PROBLEM	SOLUTION
<p>In a major disaster, such as an earthquake with resulting liquefaction, transportation infrastructure will likely be severely damaged making it difficult if not impossible to travel to different parts of the county. Supply chains will be severely disrupted and Mass casualty/care assistance will be needed. As such, getting supplies to support Community Points of Distribution (CPODs), Mass Care, and Sheltering will be severely delayed.</p>	<p>Stage a climate controlled storage container in South Whidbey, at the Road Shop, to store a cache of supplies to support operations following a disaster. Also stage a towable trailer at the same location to move supplies as needed. Having a climate controlled system with the container prevents damage to the supplies due to extreme temperatures and excessive moisture. Supply stores are established for North Whidbey and Camano. Emergency kits for the Coupeville campus are being requested during this funding cycle (item above).</p> <p>Falcon Structures provided a quote for a 20' climate controlled container for approximately \$30,000.</p> <p>An 8.5' x 20' enclosed trailer is approximately \$25,000.</p> <p><b>Budget request \$55,000 = Current Expense fund</b></p> <p>Option - purchase just the storage container this year, with plans for a trailer at a later date</p> <p>Option - do not purchase either item</p>
<p>Island County does not have an adequate Emergency Operations Center (EOC). The EOC is a critical link for supporting the community and critical stakeholders before, during, and after an incident. It is the central location for communication, coordination, and collaboration. During past events Emergency Management has had to consistently improvise to find space, resources, and technology to operate. This often comes at a cost in reduced efficiency and effectiveness. This was apparent most recently during the COVID pandemic when the Incident Management Team and Emergency Management had to constantly relocate and divide into several different areas. This created communication challenges, lack of situational awareness, and insufficient collaboration.</p>	<p>Start the process of finding a dedicated Emergency Operations Center by hiring a consultant to perform a preliminary space needs study. The study would outline the needs, and establish the size, cost, and location parameters that best meet the County's objectives.</p> <p><b>Budget request \$55,000 = Current Expense fund</b></p> <p>Option: Continue using shared space at the Oak Harbor Fire Station as the primary EOC(25 seats) and improvising at the other locations, including at the County campus.</p> <p>Option: Reference old plan based on an (outdated) template for space at 40+ seats / approx. 8,000 sf (does not include newer technologies / approaches)</p> <p>Note: Grant opportunities are available for construction of an EOC, once property is acquired.</p>
<p>Emergency Management has many roles and responsibilities before, during, and after emergencies and disasters. One of these is developing training and exercise for Island County employees, first responders, and the community. It is extremely important so that all members are proficient and ready to respond and assist the community. Training and exercise development requires a variety of skill sets and education that includes knowledge of emergency management procedures, and the Homeland Security exercise and Evaluation Program (HSEEP). The large amount of time and manpower that is required for planning, response and recovery effort greatly exceeds that of the DEM team of two people. As a result, training, planning, and outreach is delayed.</p>	<p>Add an additional 1 FTE Emergency Management Tech 2 position to the Department of Emergency Management to assist training and exercise development and implementation as well as other tasks as part of the Emergency Management team. This allows the department to implement a more robust training and exercise program that includes more opportunities for participation and provide additional internal training for county employees' readiness and proficiency. It also provides much needed manpower during planning, response and recovery operations. The additional manpower will also help increase the department's ability to research, apply, and manage grant funding.</p> <p><b>Budget request \$75,000 = Current Expense fund, annual</b></p> <p>Option - provide for a time limit on the additional position, such as 2 - 5 years</p> <p>Option - do not add an additional team member</p>

Public Works Problems / Solutions for 2024		17-May-23
PROBLEM	SOLUTION	
<b>Administrative Services</b>		
Frequent turn-over of the entry-level position of administrative assistant positions has led to additional workload for the rest of the team. The extra workload is extended when new a new team member is hired and they are learning their job duties.	Hire an additional administrative assistant to allow for employee transitions. This position was filled with a seasonal from 2004 to 2016. The last 2 years a temporary position has worked for about 5 months a year.  <b>Budget request \$75,000 = Public Works fund, annual</b> Option - provide for a time limit on the additional position, such as 5 years Option - hire an 8-month seasonal employee Option - do not add an additional team member	
<b>Engineering</b>		
During surges in engineering workload, post natural disaster and major storm events, and in support of challenging routine projects Island County Public Works has difficulty meeting timely surveying of roads, accessing storm drainage systems over challenging and steep terrains, as well as the hard to reach steep bluffs and shorelines. Island County DEM provides situational awareness following emergencies and disasters, which includes conducting building and infrastructure assessments -- this can be extremely hazardous and time consuming	Invest in the advanced benefits of unmanned aerial surveillance (UAS) technology, commonly called a drone. The capabilities of a drone assist in safely, efficiently and expeditiously providing cost effective means of preparing engineering topographic maps, surveying limited access locations (i.e. steep bluffs, tidal limitations) and providing damage assessments post natural disasters and seasonal storms. A drone can make the DEM process much more effective, efficient, and safe. It can also be used for Search and Rescue operations particularly for incidents when citizens with cognitive issues wander off and become disoriented in harsh conditions. Public Works will develop program policies in accordance with FAA and WA State regulations, and Operators will be trained & certified to operate the drone in compliance with all drone regulations  <b>Estimated cost \$10,000 (including necessary software) = ER&amp;R Fund</b> Option - use CRAB drone services (not quick response) Option - use consultant drone services (quicker response, not as quick as on-site)	
Engineers are tasked with reporting, planning coordination, grant writing, etc. This takes away from their core functions.	Hire an Engineering Tech 2  <b>Budget request \$75,000 = Road fund, annual</b> Option - provide for a term, such as 2 - 5 years Option - leave as is	
Road shops are experiencing staff turnover and are having difficulty finding new hires, especially laborers.	Extra Laborer per Road Shop, total of 4  <b>Budget request \$250,000 = Road fund, annual</b> Option - provide for a term, such as 2 - 5 years Option - leave as is	

Public Works Problems / Solutions for 2024		17-May-23
PROBLEM	SOLUTION	
Road crews get pulled away from regular maintenance activities to complete projects.	<p>Assemble and equip and project construction team -</p> <p>Team members: 2 flaggers, 2 laborers, truck driver, operator</p> <p><b>Budget request \$450,000 = Road fund, annual</b></p> <p>Equipment:</p> <ul style="list-style-type: none"> <li>1. Mini Excavator - \$175,000</li> <li>2. Dump Truck - \$315,000</li> <li>3. Tilt trailer \$60,000</li> <li>4. F550 - 110,000</li> <li>5. Vactor Trailer - \$200,000</li> <li>6. Road Plates (2) 5'x12'x1" \$6,000</li> </ul> <p><b>Budget request - \$860,000 ER&amp;R fund</b></p> <p><b>Total Budget Request: \$1,310,000</b></p> <p>Option - transition into team over time</p> <p>Option - provide for a term, such as 2 - 5 years</p> <p>Option - leave as is</p>	



## Island County Public Works

*Connie Bowers, P.E., Director and County Engineer*

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1 NE 7<sup>th</sup> Street, Coupeville, WA 98239  
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Email: ConnieB@islandcountywa.gov | [www.islandcountywa.gov](http://www.islandcountywa.gov)

## M E M O R A N D U M

June 21, 2023

TO: BOCC  
FROM: Connie Bowers / Public Works Director / County Engineer  
RE: Diking District No. 4 Assessment Options

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Diking District No. 4 was formed in 1917 and entered county control sometime between 1965 and 1970. There is a need for a maintenance levy assessment and there are two different approaches to consider. We would like to discuss with the Board the two options and get direction on which method to move forward with.

There have been two maintenance levy assessments since 1965, one in 2005 and one in 2015. The process for both assessments is defined in RCW 85.16. However, an alternative assessment method is available under RCW 85.38. Summaries of both methods are provided in a list format on the following two pages.

Attachment: Diking District No. 4 (1985 Map and Info.)

## **RCW 85.16 Maintenance Costs and Levies – Improvement Districts**

1. Public Works prepares a statement of cost and expenses for the amount required for maintenance.
2. Board of County Commissioners (BOCC) approves a statement of cost and expenses for the amount required for maintenance.
3. BOCC schedules the date for a public hearing.
  - a. Notice must be provided by publication in the newspaper at least once per week for two consecutive weeks, and the last publication in the newspaper must be within 7 – 14 days of the hearing.
4. BOCC appoints a Board of Appraisers within 2 weeks after setting the public hearing date.
  - a. This Board consists of the County Engineer and ‘two other competent persons’.
    - i. In the past the BOCC appointed the County Engineer, the County Assessor, and a property owner in the District.
5. Board of Appraisers meets to discuss a proposed apportionment of costs.
6. Not required, but for the last two assessments, the Board of Appraisers held a public meeting with property owners to provide information on the proposed assessment and to take public comments.
7. The Board of Appraisers must file their report not less than twenty days prior to the public hearing.
8. BOCC holds a public hearing.

## **RCW 85.38 Special District Creation and Operation**

1. BOCC adopts a resolution indicating their intention to conform with these laws. This would be a one-time adoption. It is unclear whether there is the ability to revert back to the use of RCW 85.16.
  - a. Once established, the system of assessment must be reviewed by the County Engineer and finalized by the BOCC at least once every four years.
    - i. Likely to require a public hearing each time an assessment is finalized
2. The County Engineer creates a preliminary system of assessment.
3. The preliminary system of assessment is filed with the BOCC.
4. BOCC schedules the date for a public hearing.
  - a. Notice must be provided by publication in the newspaper for two consecutive weeks, with the final notice not less than 14 and no more than 21 days before the hearing.

# Diking District #4

- Formed in 1917
- Dikes constructed circa 1920
- Includes tide gates and weir boards
- Diesel fueled water pump – stopped in 1952



1985 Aerial



**Island County Public Works**  
*Connie Bowers, P.E., Director and County Engineer*

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**MEMORANDUM**

June 21, 2023

TO: Board of County Commissioners – Island County  
FROM: Fred Snoderly, Assistant Director, Public Works  
RE: Solid Waste Transfer Station Assessment Study

Public Works will present a PowerPoint presentation to discuss the results of the Solid Waste Transfer Station Assessment Study performed by SCS Engineering.

The Transfer Station is nearly thirty years old and has provided needed essential services for Island County residents. There are significant issues identified in the study that need to be addressed.

- The existing compactor was purchased used and has been discontinued by the manufacturer. Normal life expectancy of a compactor is twenty years. Purchased in 2010
- The size and condition of the tipping floor doesn't allow for growth or storage requirements. The leachate collection system is failing, and the canopy cover and push wall have been damaged over time.
- There are significant site constraints at the current station due to the small area and capacity that create safety and operational problems.

Options:

- Do nothing. Compactor failure imminent, with in next two years.
- Purchase new compactor and repair issues with tipping floor and structure. Does not address safety concerns due to site constraints, provide storage area during interruption of normal operations or allow for future growth. Estimated cost \$2 million.
- Purchase new compactor, expand existing tipping floor 50 feet to the south, relocate utilities and drainage system. Doesn't provide for additional storage during interruptions to normal operations. Limited future growth. Estimated cost \$3 million.

- Build larger 10,000 SF facility to the north complete with new compactor. Provides for future growth for 20 years. Eliminates congestion and safety issues. Estimated cost \$ 7.1 million.

Staff recommendation: Purchase compactor now and modify existing site to fit until new site is complete.

Build new 10,000 SF facility. This allows for 20 years of future growth and provides needed storage during interruption to normal operations.

# Transfer Station Assessment Study



► June 2023

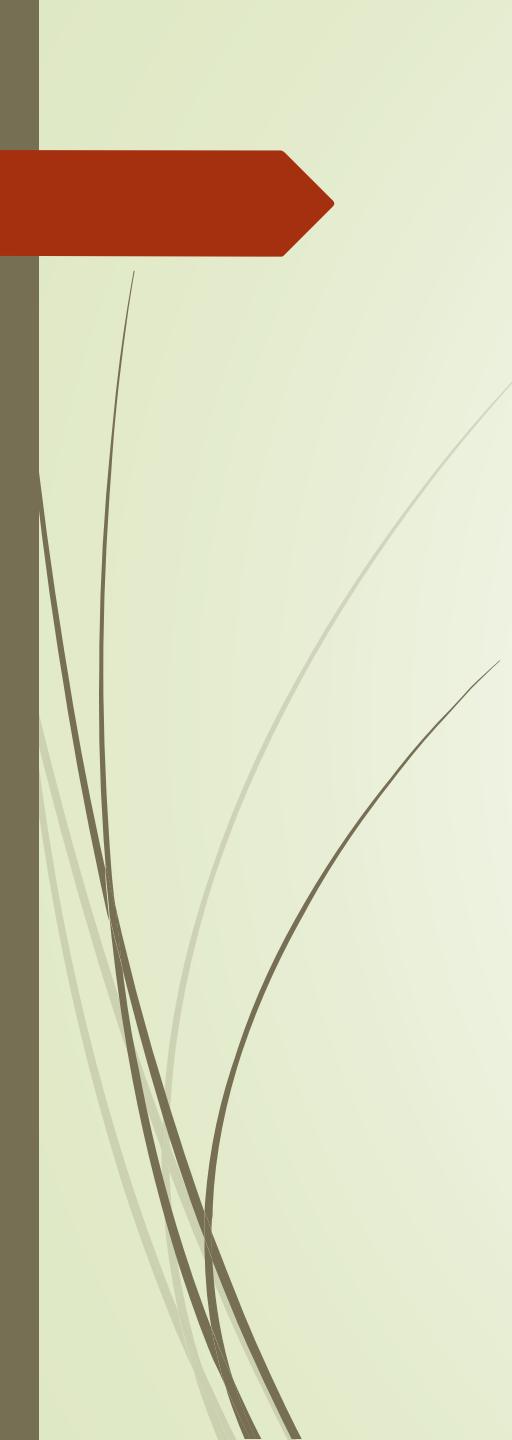


# Background Information

- ▶ The Coupeville Transfer Station was built in the early 1990s and shows signs of nearly thirty years of service.
- ▶ The tipping floor has an approximate area of 7500 square feet with a drainage system to collect liquids from the received solid waste.
- ▶ A solid waste compactor sits at the end of the tipping floor where solid waste is pushed and compacted into shipping containers.
- ▶ When full, the containers are hauled to the Burlington or Everett Railroad terminal and transported to the regional landfill in Yakama.
- ▶ The compactor was built in 1991 and was purchased used in 2010. Life expectancy is 20 years. Replacement/repair parts are hard to find.

# Coupeville Transfer Station Built in 1991



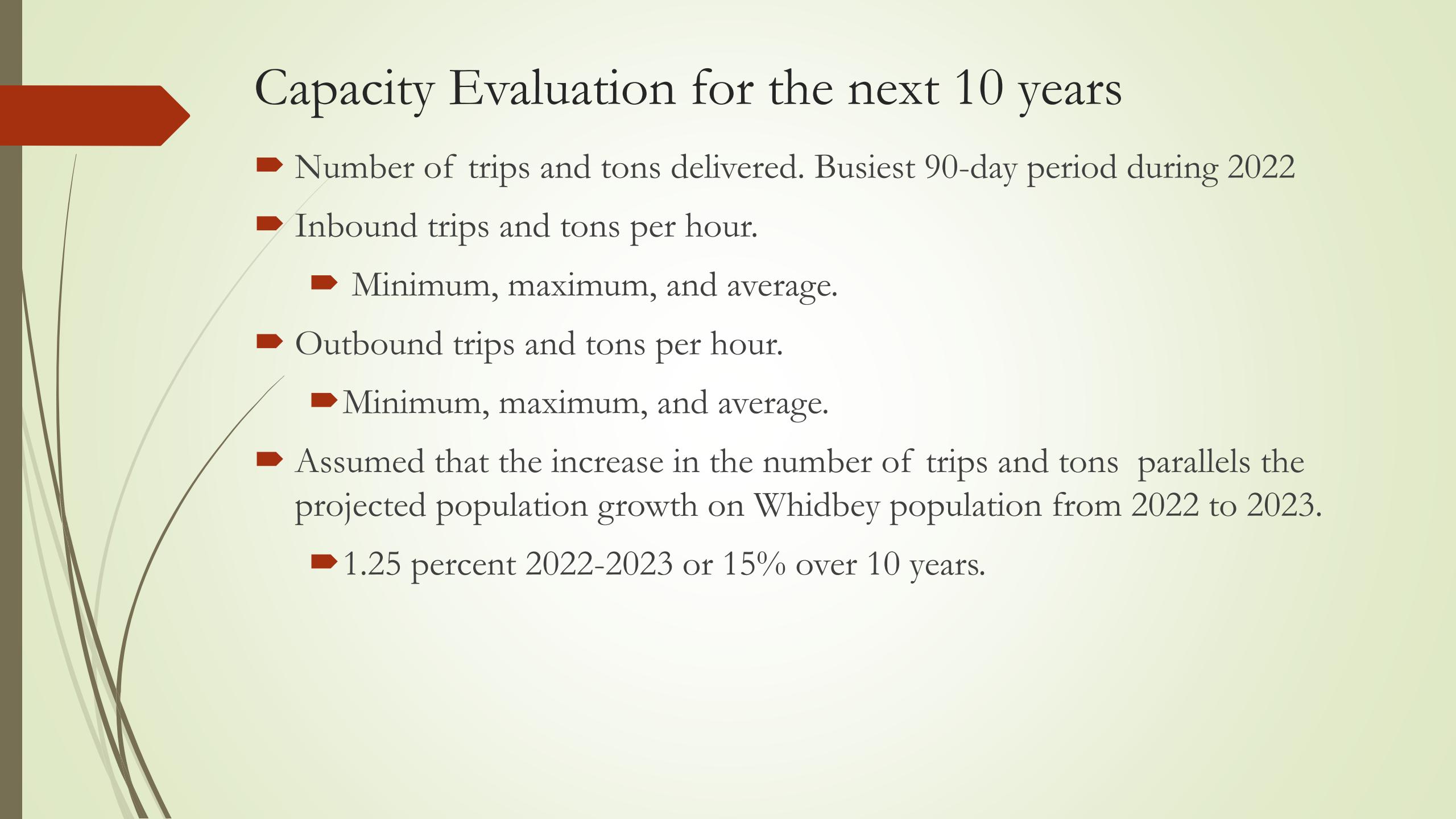


# Assessment Overview

- ▶ Site Observations: General observations and any operational issues/challenges.
- ▶ Capacity Evaluation: Focuses on how the current infrastructure and processes are set up to support future demand of the solid waste system.
- ▶ Compactor Analysis: Based on information and data from vendors, alternatives to existing compactor, technical specifications and estimated costs.
- ▶ Efficiency Evaluation: This section focuses on the operational efficiency in the current infrastructure and processes, identifies issues and associated possible solutions.
- ▶ Recommendations: Recommendations associated with key findings are presented in this sections. Includes budgetary opinion of cost for the identified solutions.

# Site Observation

- ▶ Compactor Condition. 30 years old. Discontinued. Spare parts are a challenge. Increasing maintenance needs.
- ▶ Building Damage. Steel Columns, aluminum roof panels, concrete push wall and fence, canopy shows signs of aging. Occurs during top loading process.
- ▶ Tipping floor pavement is damaged.
- ▶ Stormwater and Contact Water Drains are damaged or permanently filled.
- ▶ Design Limitations. Office building in front of tipping floor impacts traffic flow.



# Capacity Evaluation for the next 10 years

- ▶ Number of trips and tons delivered. Busiest 90-day period during 2022
- ▶ Inbound trips and tons per hour.
  - ▶ Minimum, maximum, and average.
- ▶ Outbound trips and tons per hour.
  - ▶ Minimum, maximum, and average.
- ▶ Assumed that the increase in the number of trips and tons parallels the projected population growth on Whidbey population from 2022 to 2023.
  - ▶ 1.25 percent 2022-2023 or 15% over 10 years.



# Findings

- ▶ Scale System Capacity- Weighted average scale time is 45 seconds per vehicle which equates to a theoretical rate of 80 vehicles per hour (VPH).
- ▶ Based on the projected growth rate of 1.25 percent over the next decade, the maximum VPH would be 92 which would be a limiting factor to efficient operations by increasing queue times.
- ▶ Receiving Bay Capacity- There are four unloading bays that can accommodate 5 commercial or nine personal vehicles. However, due to the protective measures in place protecting the steel columns from further damage, only five personal or five commercial vehicles can utilize this space.
- ▶ The average unload time is approximately six minutes or 50 vehicles per hour.
- ▶ The number of incoming VPH (80) exceeds the average unloading VPH (50).

# Scale System Capacity Evaluation

- Weighted average scale time is 45 seconds per vehicle or 80 vehicles per hour (VPH).
- Estimating a 15% increase by 2033 the average VPH would be 92.
- Increased queue times causes traffic to back-up to facility entrance.



## Receiving Bays Observations

Receiving Bay Capacity- There are four unloading bays that can accommodate 5 commercial or nine personal vehicles.

However, due to the protective measures in place protecting the steel columns from further damage, only five personal or five commercial vehicles can utilize this space.



# Receiving Bays Observations

- ▶ Four bays available.
- ▶ 5 commercial or 9 personal vehicles max.
- ▶ Reduced capacity due to concrete blocks protecting steel pillars.



## Storage Capacity

Incoming tonnage continues to outpace outgoing tonnage causing a storage issue on maximum days. This can amount to 320 tons of garbage left on the tipping floor for the next day.

Current tipping room floor has storage capacity for 202 tons. Standard practice in TS design is to provide one day worth of storage or 202 tons.

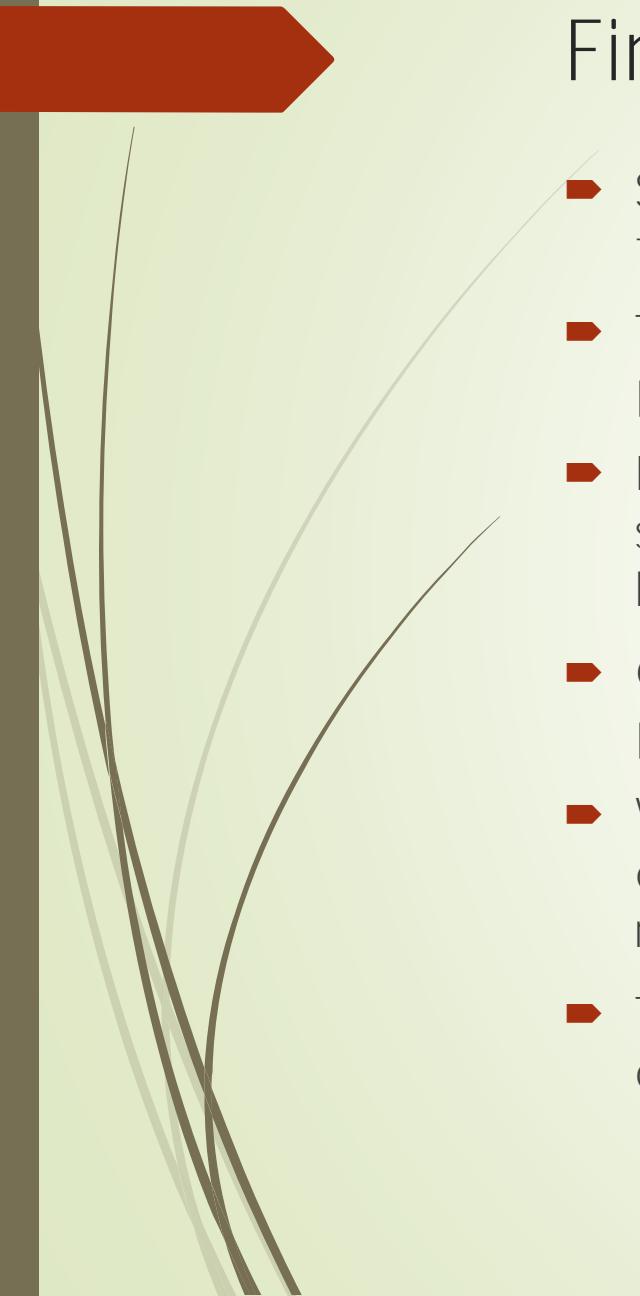
When considering future needs, if the increase in the number of tons is commensurate with projected growth (1.25%) then storage capacity remains a limiting factor based on maximum delivery rates.



# Tipping Floor Storage Capacity Evaluation

- Average 202 tons received/day.
- Receive more tonnage than we ship out.
- Recovery extends into next day.
- Estimate a 15% increase by 2033 equals 232 tons/day.





# Findings Continued

- ▶ Storage Capacity- Required storage capacity relates to the rate outbound trailers are loaded compared to incoming tonnage.
- ▶ The average loading time is 45 minutes for an average 25 ton, or 33.33 tons per hour (TPH). Each container can hold 25-28 tons of garbage.
- ▶ Incoming tonnage continues to outpace outgoing tonnage causing a storage issue on maximum days. This can amount to 320 tons of garbage left on the tipping floor for the next day.
- ▶ Current tipping room floor has storage capacity for 202 tons. Standard practice in TS design is to provide one day worth of storage or 202 tons.
- ▶ When considering future needs, if the increase in the number of tons is commensurate with projected growth (1.25%) then storage capacity remains a limiting factor based on maximum delivery rates.
- ▶ The current receiving capacity is a limiting factor, due to facility design and operational constants.

# Compactor Observations

- Thirty years old, discontinued by manufacturer.
- Spare parts are scarce.
- Breakdown frequency is increasing.



# Compactor Analysis

- ▶ The existing compactor is a Harris AMFAB TP-150 compactor that has been discontinued by its manufacturer. Thirty years old.
- ▶ Spare parts are scarce, compactor is nearing its serviceable life with an estimated two years of useful life left.
- ▶ A replacement compactor would be a larger size TP-250 or a similar type unit.
- ▶ All will require modifications to existing area to include structural aspects, modifying the canopy to cover the compactor, and utility related items.
- ▶ Preliminary estimate of probable costs for compactors range from \$800,000 to \$1.5 million and does not including engineering.

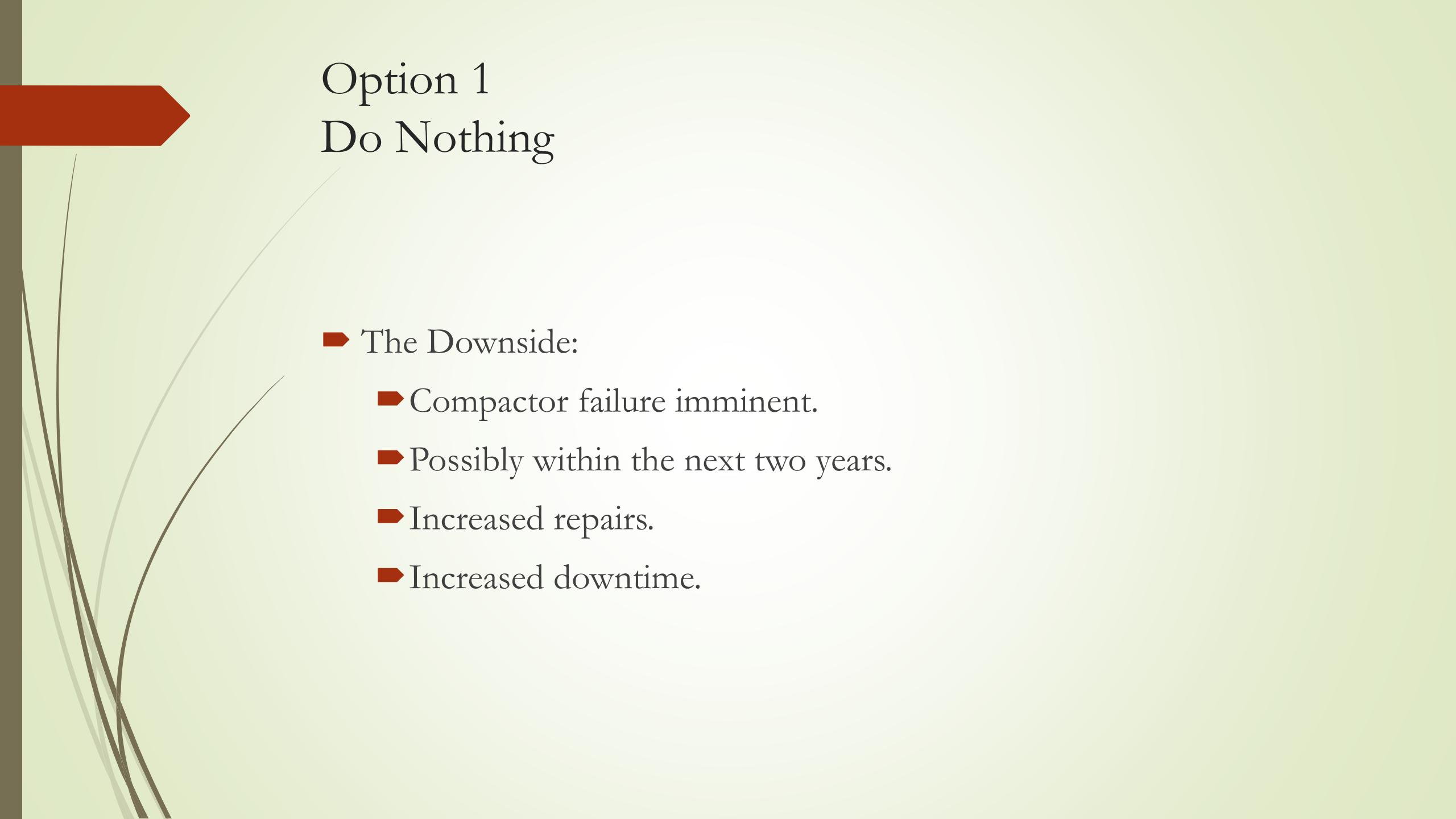
# Compactor & Tipping Floor Options

## Options

- ▶ Do Nothing – Compactor Fails
- ▶ Compactor Failure – Top Loading
- ▶ Buy Compactor – Modify Footings
- ▶ Buy Compactor – Expand Tipping Floor
- ▶ Build New Facility

## Cost

- ▶ None
- ▶ \$ 500,000 Plus Engineering
- ▶ \$ 2 Million.
- ▶ \$ 3.8 Million
- ▶ \$ 7.1 Million

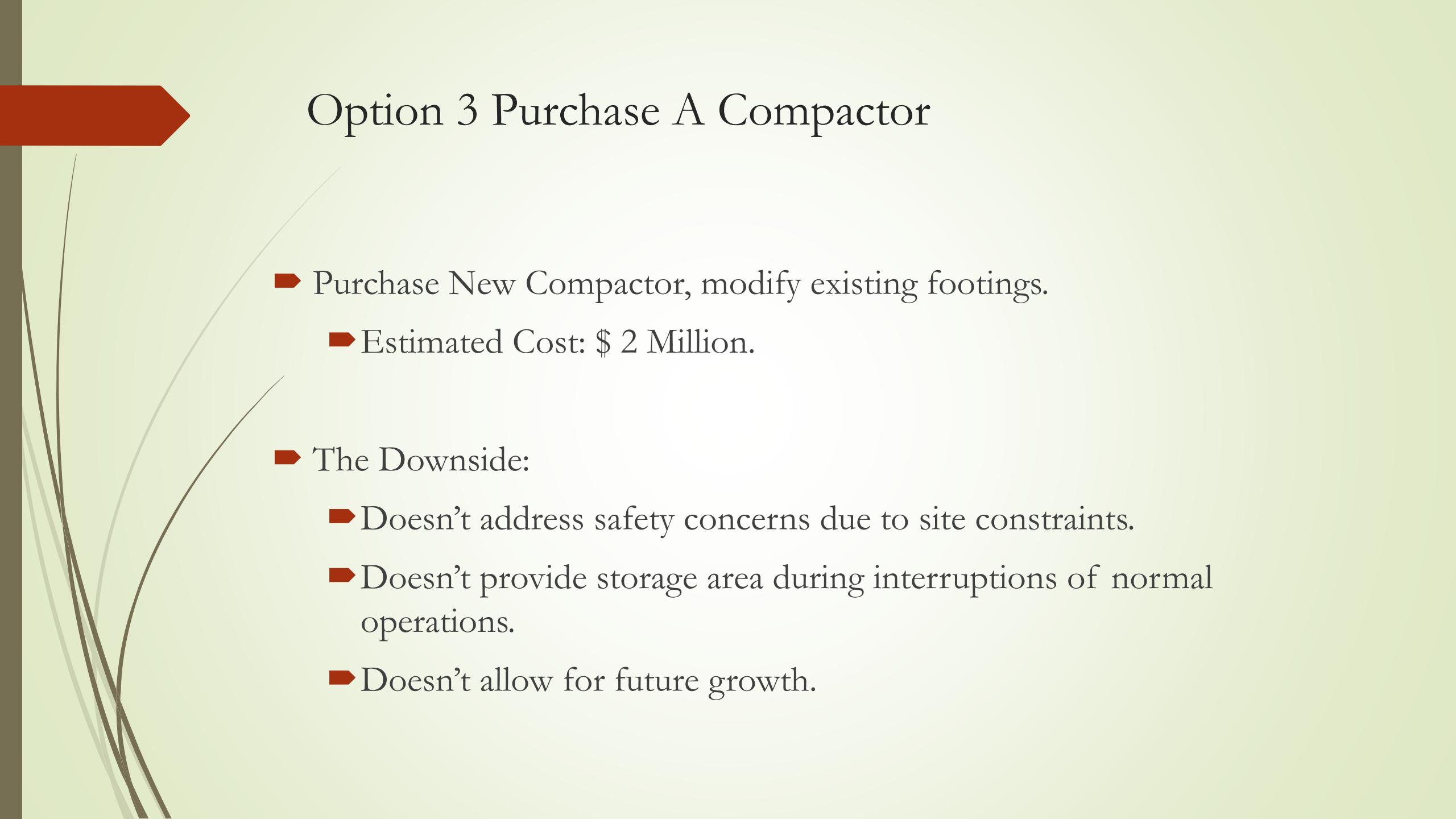


## Option 1 Do Nothing

- The Downside:
  - Compactor failure imminent.
  - Possibly within the next two years.
  - Increased repairs.
  - Increased downtime.

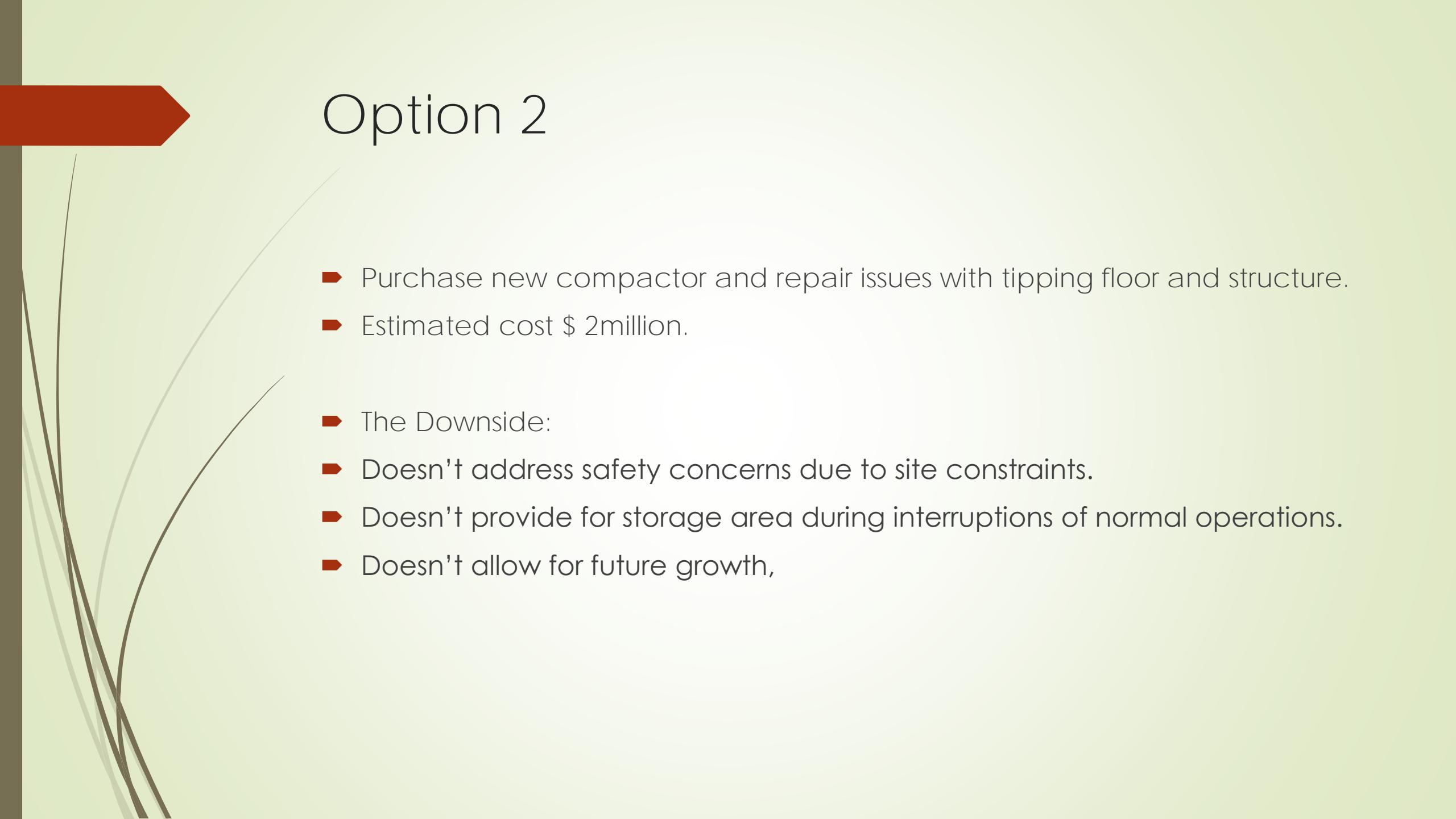
# Option 2 During Compactor Failure

- ▶ Top Loading:
  - ▶ Requires modifications, removal of compactor, modify hopper and chute.
  - ▶ Purchase knuckle boom crane for tamping.
  - ▶ Estimated cost \$500,000 plus engineering.
- ▶ The Downside:
  - ▶ Labor intensive – more man hours to operate crane.
  - ▶ Compaction rates drop from 25 - 28 tons to 16 - 22 tons per container, resulting in more containers.
  - ▶ Output from facility will be lower.
  - ▶ Possible contractual obligation due to less container weight.



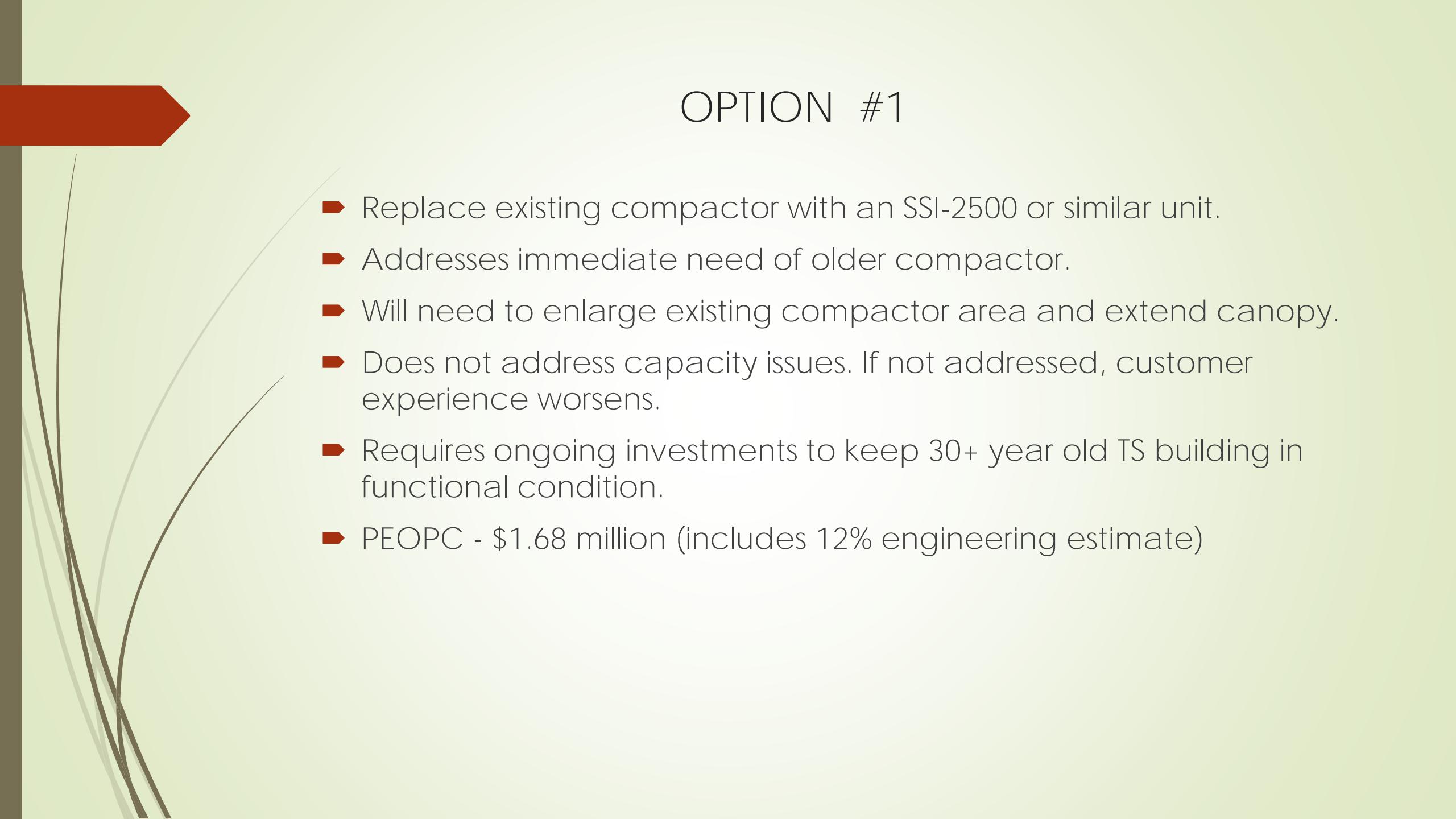
## Option 3 Purchase A Compactor

- ▶ Purchase New Compactor, modify existing footings.
  - ▶ Estimated Cost: \$ 2 Million.
- ▶ The Downside:
  - ▶ Doesn't address safety concerns due to site constraints.
  - ▶ Doesn't provide storage area during interruptions of normal operations.
  - ▶ Doesn't allow for future growth.



## Option 2

- ▶ Purchase new compactor and repair issues with tipping floor and structure.
- ▶ Estimated cost \$ 2million.
  
- ▶ The Downside:
- ▶ Doesn't address safety concerns due to site constraints.
- ▶ Doesn't provide for storage area during interruptions of normal operations.
- ▶ Doesn't allow for future growth,

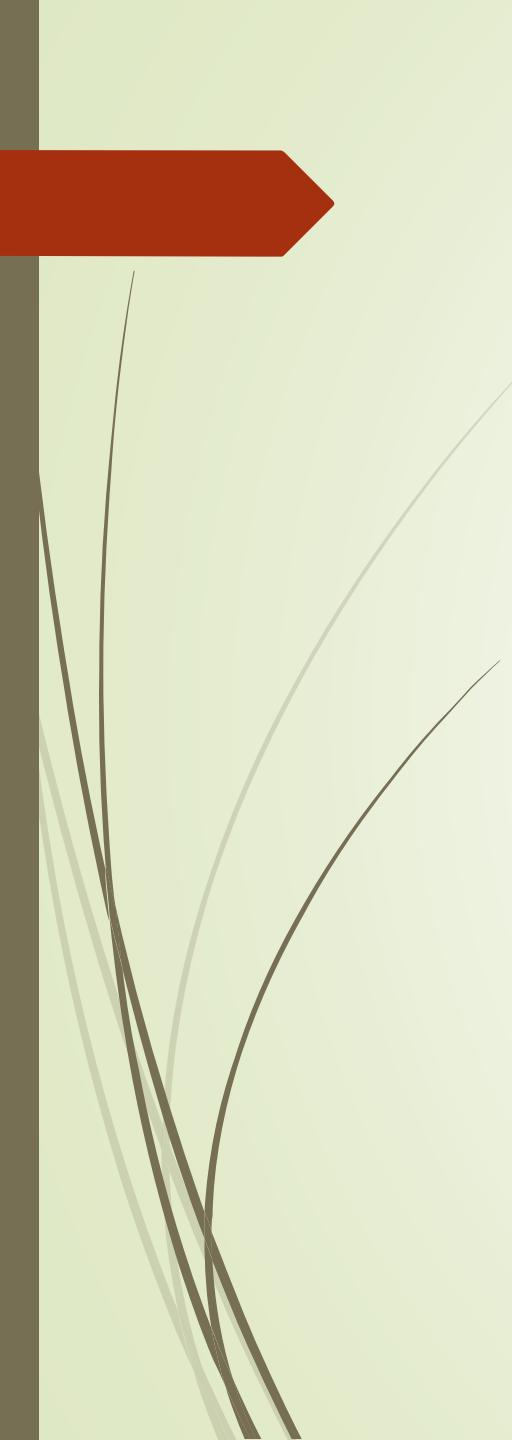


## OPTION #1

- ▶ Replace existing compactor with an SSI-2500 or similar unit.
- ▶ Addresses immediate need of older compactor.
- ▶ Will need to enlarge existing compactor area and extend canopy.
- ▶ Does not address capacity issues. If not addressed, customer experience worsens.
- ▶ Requires ongoing investments to keep 30+ year old TS building in functional condition.
- ▶ PEOPC - \$1.68 million (includes 12% engineering estimate)

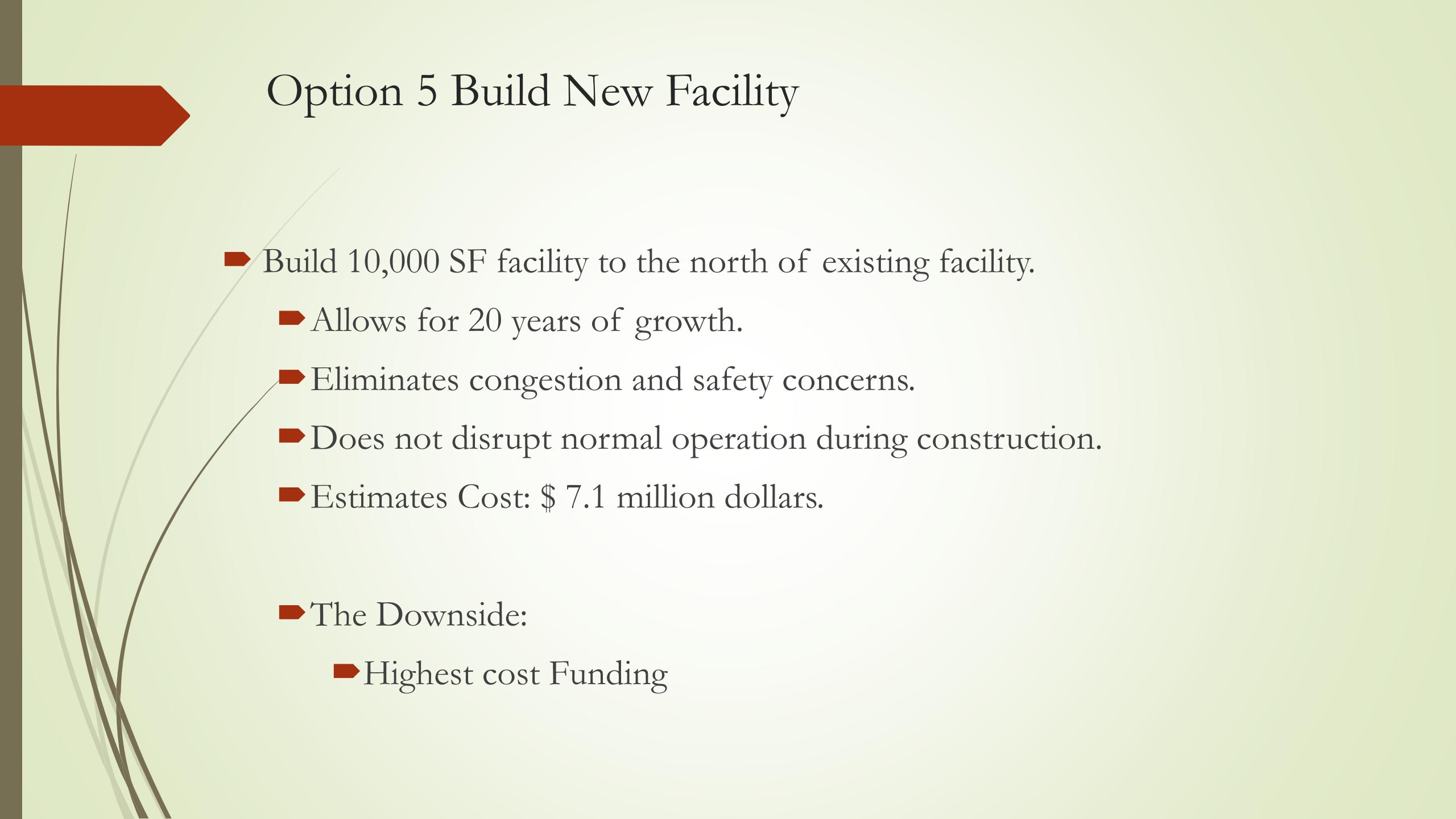
## Option 4 Purchase new compactor expand tipping floor

- ▶ Repair existing tipping floor and expand by 3000 SF.
- ▶ Estimated cost: \$ 3.8 million dollars.
- ▶ The Downside:
  - ▶ Challenging construction to provide for ongoing operations.
  - ▶ Requires 4500 SF of new pavement for turning vehicles.
  - ▶ Doesn't provide storage for future growth or interruptions to normal operations.



## OPTION # 2

- ▶ Expand Existing TS 50 feet to the South with an SSI-2500 or similar unit.
- ▶ Adds four more unloading bays and approx. 3000 SF to tipping floor.
- ▶ Requires 4500 SF of new paving to allow turning space for vehicles.
- ▶ Needs existing utilities and stormwater features relocated.
- ▶ Will require future investment to keep 30+ year old building in functional condition.
- ▶ Challenging construction given tight space and continuing operations.
- ▶ Does not provide for the industry standard daily storage capacity needs.
- ▶ PEOPC - \$3.08 million includes engineering services.



## Option 5 Build New Facility

- ▶ Build 10,000 SF facility to the north of existing facility.
  - ▶ Allows for 20 years of growth.
  - ▶ Eliminates congestion and safety concerns.
  - ▶ Does not disrupt normal operation during construction.
  - ▶ Estimates Cost: \$ 7.1 million dollars.
- ▶ The Downside:
  - ▶ Highest cost Funding



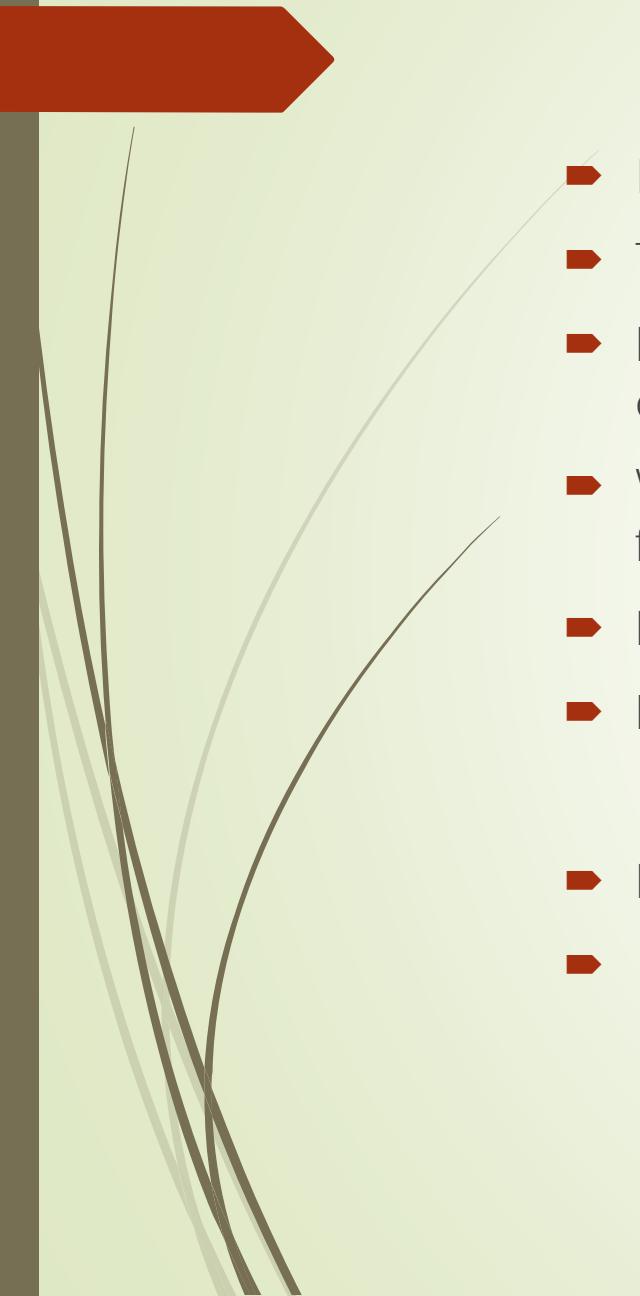
## Potential Transfer Station Expansion Area





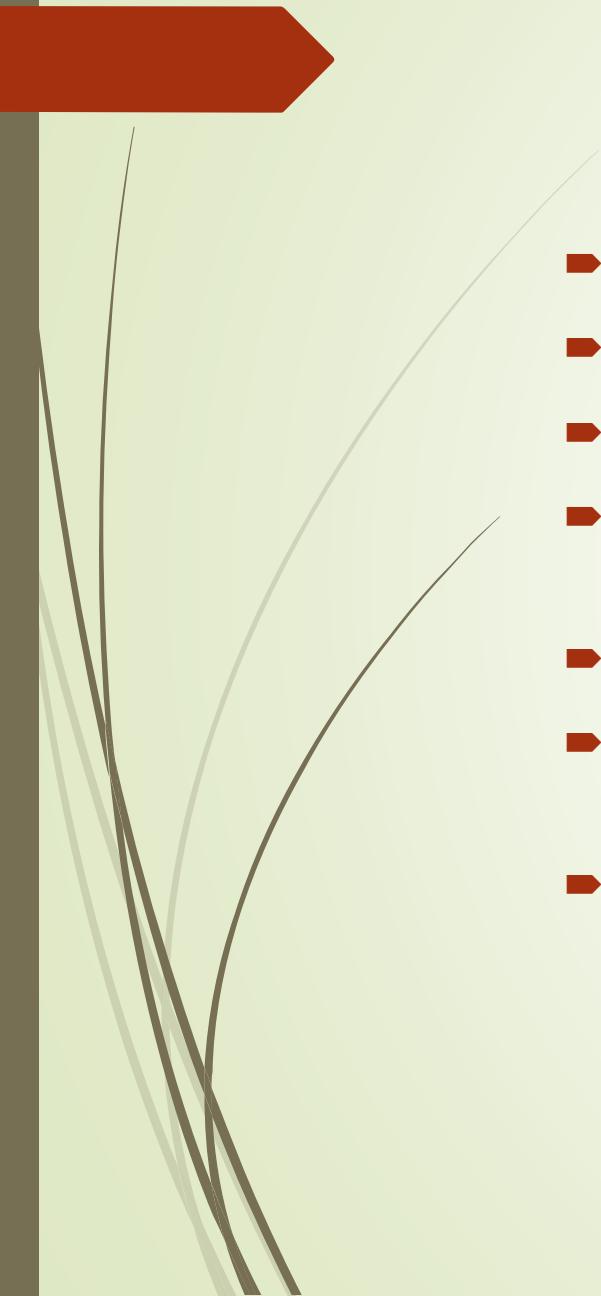
## Staff Recommendations

- ▶ Purchase new compactor now.
  - ▶ Modify existing footings.
  - ▶ Estimated Cost: \$ 2 million
- ▶ Build new 10,000 SF facility to the north of existing facility.
  - ▶ Estimated Cost: \$ 5.1 million
- ▶ This provides for all future needs previously mentioned.
- ▶ Timeframe depending on securing funding



## OPTION # 3

- ▶ Develop TS Building to the North with an SSI- 2500 or similar unit.
  - ▶ Two footprints explored, 14,000 SF and 10,000 SF facility.
  - ▶ Both accommodate the customers and provide varying levels of storage capacity.
  - ▶ Whereas the 14,000 SF footprint provides adequate storage, the 10,000 SF footprint may require the use of the existing tipping floor for overflow waste.
  - ▶ Both provide for anticipated growth over the next decade.
  - ▶ Both will require a 3 staged approach.
- 
- ▶ PEOPC – 14,000 SF \$9.31 million includes engineering services.
  - ▶ 10,000 SF \$7.11 million includes engineering services.



# Staff Recommendations

- ▶ Purchase the new compactor.
- ▶ Redesign existing facility.
- ▶ Retrofit the existing compactor area to fit the new larger sized compactor.
- ▶ Move forward with the build of a new 10,000 SF facility to the north of existing facility. This allows for growth for the next decade plus.
- ▶ When complete, move/install new compactor.
- ▶ The old tipping floor area will be used for needed storage capacity during interruptions in normal service.
- ▶ Repairs, such as leachate collection, roof, and push wall can be made over time.



## How to pay for It?

- ▶ Approximately \$ 500K available.
  - ▶ Solid Waste maintains \$ 2 million dollar fund balance, primarily for cash flow.
  - ▶ Solid Waste Landfill balance of \$1.6 million.
    - ▶ Researching if still required to maintain.
  - ▶ Low Interest Loans. Public Works Board loan has a low interest rate of 0.86% to 1.72% for non-distressed communities.
  - ▶ Repayment would be covered with increased tipping fees
  - ▶ Grants. Don't qualify for identified grants.



## Island County Public Works

Connie Bowers, P.E., Director and County Engineer

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## M E M O R A N D U M

June 21, 2023

TO: Board of County Commissioners – Island County

FROM: Fred Snoderly, Assistant Director, Public Works

RE: Public Works Board Grant/Loan Opportunity

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Public Works wishes to discuss the upcoming Public Works Board Grant/ Loan opportunity. The Washington State Public Works Board is an infrastructure funder and has opened for applications for the 2023 - 2025 biennium. There is \$235,000,000 in available funding at \$10,000,000 per project.

Public works is requesting authorization to pursue this opportunity for our Solid waste transfer station project. Public works will be coming back to the board to discuss the options outlined in the recently completed transfer station feasibility study.

Attachment: None



## ISLAND COUNTY FACILITIES

### WORK SESSION AGENDA

DATE: 6/21/2023

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To: **Janet St. Clair, Chair**  
**Board of Island County Commissioners**  
**From: Ryan Beach, Director**

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**Amount of time requested for agenda discussion. 20 minutes**

**Agenda Item No.: 1**

**Subject: Closeout of Grant 23-96643-050 for Tek 84 Body Scanner** Requesting acceptance of Washington State Department of Commerce closeout of grant funding provided to the Island County Sheriff's Office for a full body scanner. Reimbursement total: \$192,806.63; Fund 001-40-23620.

**Description:** Grant 23-96643-050 provided to the Island County Sheriff's Office by the Washington Department of Commerce, under funding from the Local & Community Projects (LCP 2021-2023) program, is now expended and ready for reimbursement.

**Attachment:** Closeout of Grant Acceptance Letter dated June 13, 2023

**Request:** (*Check boxes that apply*)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Move to Consent | <input type="checkbox"/> Move to Regular |
| <input type="checkbox"/> None/Informational         | <input type="checkbox"/> Discussion      |
| <input type="checkbox"/> Signature Request          | <input type="checkbox"/> Other: _____    |

**IT Review Complete:**

**Budget Review Complete:**

**Agenda Item No.: 2**

**Subject: Campus Generator Scope Progress** Planning and development of backup generation for the Jail/Annex, Law & Justice, and Administration Buildings.

**Description:** Emergency power generators are under-sized, past their useful life, and fail or have already failed. This is the first step in scope development.

**Attachment:** Campus Generator Scope Progress Presentation

**Request:** (*Check boxes that apply*)

- |   |  |
|---|--|
| <input type="checkbox"/> Move to Consent    | <input type="checkbox"/> Move to Regular       |
| <input type="checkbox"/> None/Informational | <input checked="" type="checkbox"/> Discussion |
| <input type="checkbox"/> Signature Request  | <input type="checkbox"/> Other: _____          |

**IT Review Complete:**

**Budget Review Complete:**



STATE OF WASHINGTON  
DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • 360-725-4000  
www.commerce.wa.gov

June 13, 2023

Janet St. Clair  
Island County Sheriff's Office  
PO Box 5000  
Coupeville, WA 98239

RE: Closeout of Grant 23-96643-050 Local & Community Projects

The grant provided to Island County Sheriff's Office by the Washington State Department of Commerce, under funding from the LCP 2021-2023 program, is now expended. Our records show the following reconciliation of the grant funding.

Term of Commitment	10 Years
Contract Amount	\$194,000.00
Amount Expended	\$192,806.63
Unexpended Funds to De-obligate	\$1,193.37
Final Payment Date	6/13/2023

Commerce has provided funding for your LCP project in the form of a grant. For the Term of Commitment (see above), those funds must provide community capital services starting from the final payment date funds were disbursed (see above). All terms of the contract continue to apply. As well, pursuant to RCW 40.14, Island County Sheriff's Office is required to maintain all records, invoices, and backup documentation and data pertinent to this agreement for a period of six years from the date of final payment. These records are subject to inspection at any time by state and/or federal program staff and auditors.

Please sign this letter confirming you are deobligating the remaining grant funds and as acknowledgement of receipt of notification. Return this signed letter via email to your contract manager. If there are any questions, please contact Kat Perez, 360-688-6127 or email to [Katrina.perez@commerce.wa.gov](mailto:Katrina.perez@commerce.wa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Katrina Perez".

6/12/23

Katrina Perez  
LCP Program Manager

Date

Janet St. Clair  
Chair Commissioner

Date



Island County  
Campus Generator Scope Progress

5/22/2023

## Purpose of Presentation

The emergency backup generators at the County Administration, Law & Justice, and Jail/Annex buildings are past their useful life and either on the verge of failure or have already failed. As part of planning for replacement of these systems, Millig has worked with the County to identify additional emergency backup needs not served by the existing generators. Based on these discussions, Millig has recommended a backup option for each building. Millig requests that the County make a final selection for a generator size at each building so that Millig can finalize design and pricing of the replacement systems.

## Development Notes

### Proposed Manufacturers

- Basis of Design for generators: Cummins
- Basis of Design for Automatic Transfer Switch: Cummins

### Pricing Notes

- Estimates are turnkey and include all direct construction and professional service costs; prices exclude DES PM fees and sales tax (add ~13%).
- Estimates are engineer-only and do not yet include trade labor feedback; labor costs will affect final pricing

## Law & Justice Recommendations

- The current emergency loads are served by a 100kW generator to power primarily lighting, fire alarm and suppression, powered doors such as to the Jail, the central elevator, and receptacles in the security room and sheriff's office.
- In order to maintain courtroom services and ADA emergency egress during a power outage, Millig recommends a 250kW generator to power lighting and receptacles in the courtrooms, Superior Court judge's offices, critical loads in the clerk's office, and the second elevator.
- The existing generator location is suitable for a new generator of any of the recommended sizes.

## Law & Justice - Generator Replacement Options

Direct Replacement 100kW	Add Lights & Receptacles 150kW	Add Elevator 250kW	Add HVAC Systems 500kW	Whole Building Backup 500kW
<ul style="list-style-type: none"><li>• No changes to existing loads backed up by generator</li><li>• New generator located directly in place of existing unit</li><li>• Integral diesel tank style</li></ul>	<p>Same as previous plus:</p> <ul style="list-style-type: none"><li>• Courtroom lighting and receptacles</li><li>• Superior Court Judge offices</li><li>• Clerk's office circuit, critical loads only</li></ul>	<p>Same as previous plus:</p> <ul style="list-style-type: none"><li>• Backup elevator circuit</li><li>• Modify distribution panels to connect backup power to desired loads</li></ul>	<p>Same as previous plus:</p> <ul style="list-style-type: none"><li>• Existing HVAC system (Primary RTU, circulation pumps, cabinet unit heaters, fan powered terminal boxes)</li></ul>	<ul style="list-style-type: none"><li>• All building loads are backed up by generator, including buffer for future HVAC upgrades or electrification</li></ul>
ROM costs: \$150,000	\$200,000	\$315,000	\$550,000	\$500,000
<b>Recommended Option</b>				

## Jail & Annex Recommendations

- The current emergency loads are served by a 60kW generator to power limited emergency lighting and receptacles, fire alarm systems, and some communication and egress systems. Jail staff emphasized the serious safety and liability risk the County currently faces during an outage.
- Jails are typically considered essential services and Millig recommends that a new emergency generator power the entire building. In addition to the safety and liability risks of the current system, outages could lead to costly transfer of inmates to neighboring county facilities. Millig is not aware of any other Washington county jails that do not back up the entire building on the emergency generator.
- A whole-building generator project will have a shorter construction period with fewer service interruptions than any of the other options explored.
- The existing generator location is not suitable and any replacement generator will need to be located elsewhere. A suggested location and renders of different generator sizes are below.

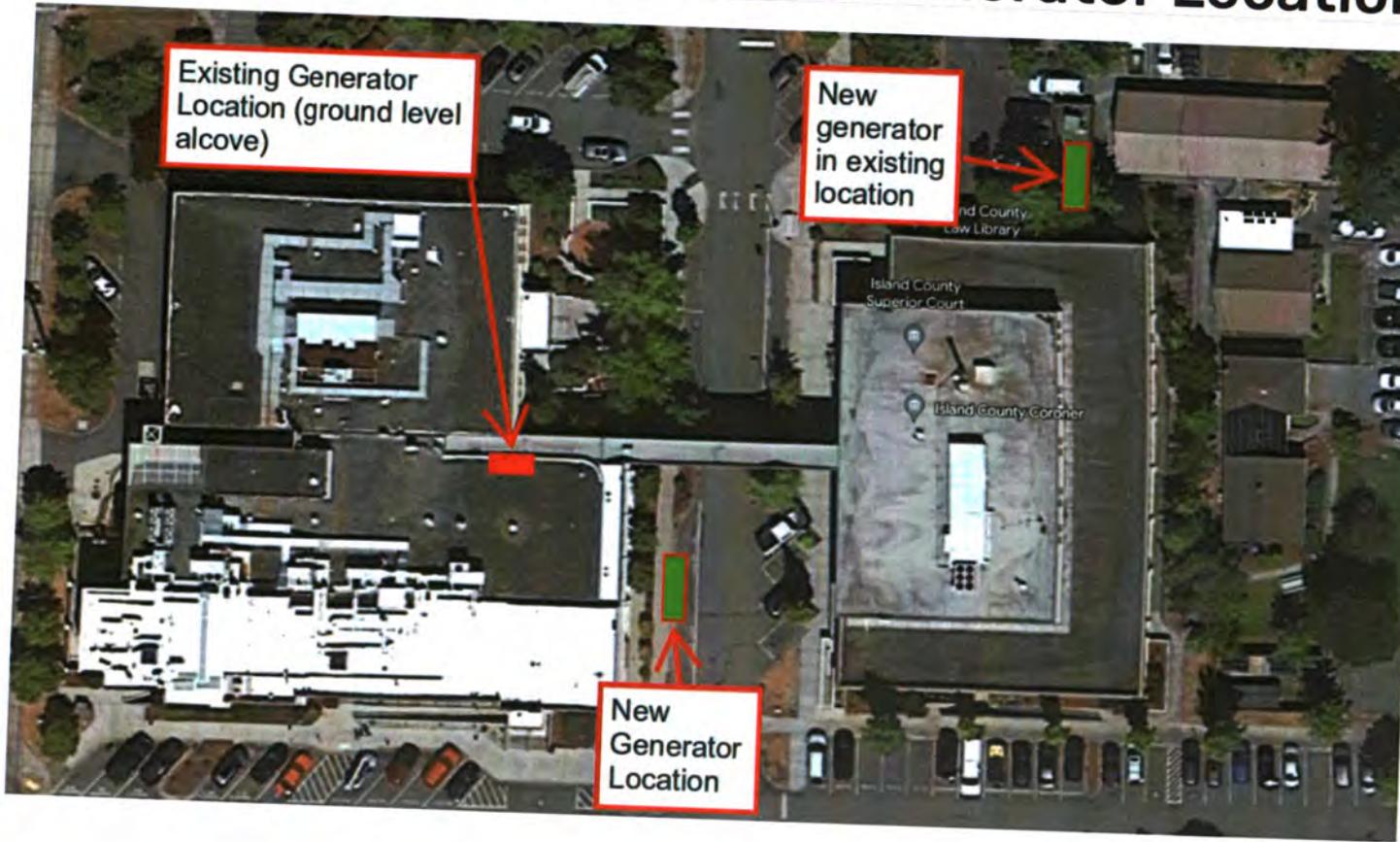
## Jail & Annex - Generator Replacement Options

Base Replacement 100kW	Add Kitchen Equipment 200kW	Add HVAC Equipment (VRF) 500kW	Whole Building Backup 800kW
Maintains current loads and adds: <ul style="list-style-type: none"><li>• Jail Processing area lighting &amp; select receptacles</li><li>• Kitchen lighting</li></ul>	All scope from previous, plus: <ul style="list-style-type: none"><li>• Kitchen equipment</li></ul>	All scope from previous, plus: <ul style="list-style-type: none"><li>• New VRF equipment including indoor units and outdoor units</li><li>• Ventilation air handling units</li></ul>	<ul style="list-style-type: none"><li>• All building loads are backed up by generator, including buffer for future HVAC upgrades or electrification</li></ul>
ROM costs: \$300,000	\$370,000	\$550,000	\$630,000

**Recommended Option**

Generator Scope Progress

## Jail & Annex, Law & Justice Generator Locations



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## Generator Scope Progress

# Jail & Annex Generator Renders



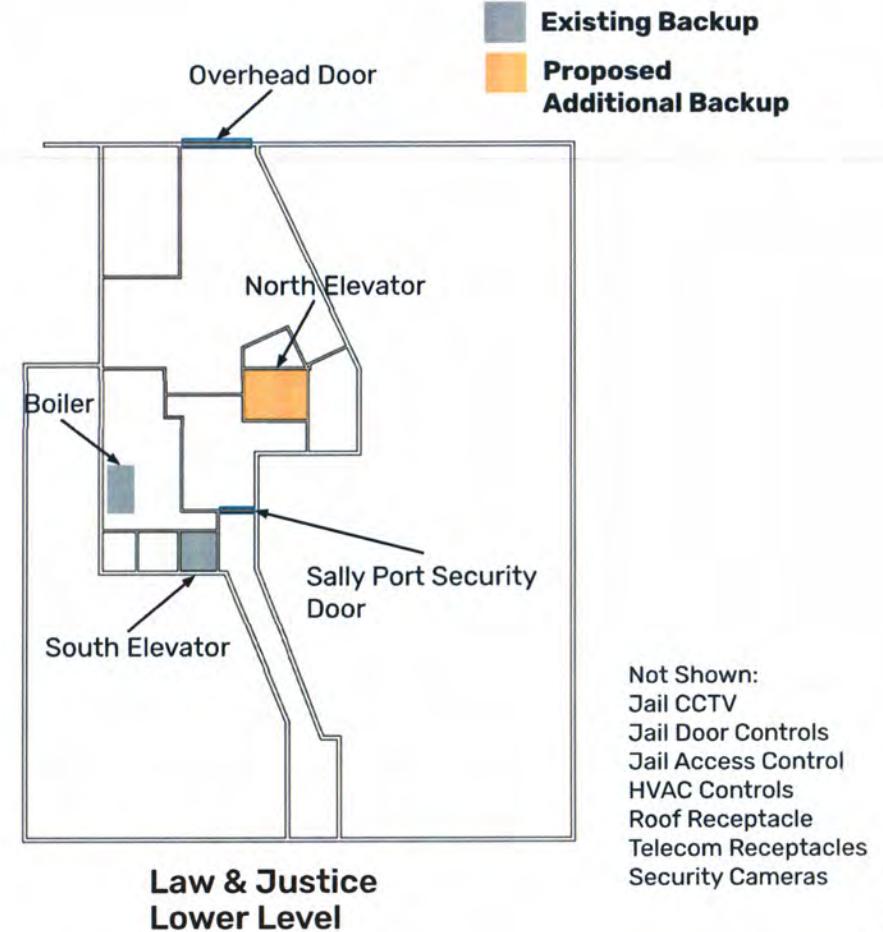
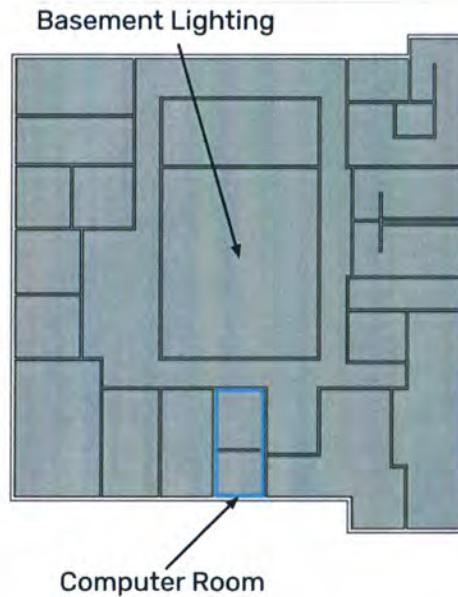
200kW generator, appx.  
Fuel tank appx.



800kW generator, appx. 7' x 7' x 15'  
Fuel tank appx. 3' x 7' x 15'

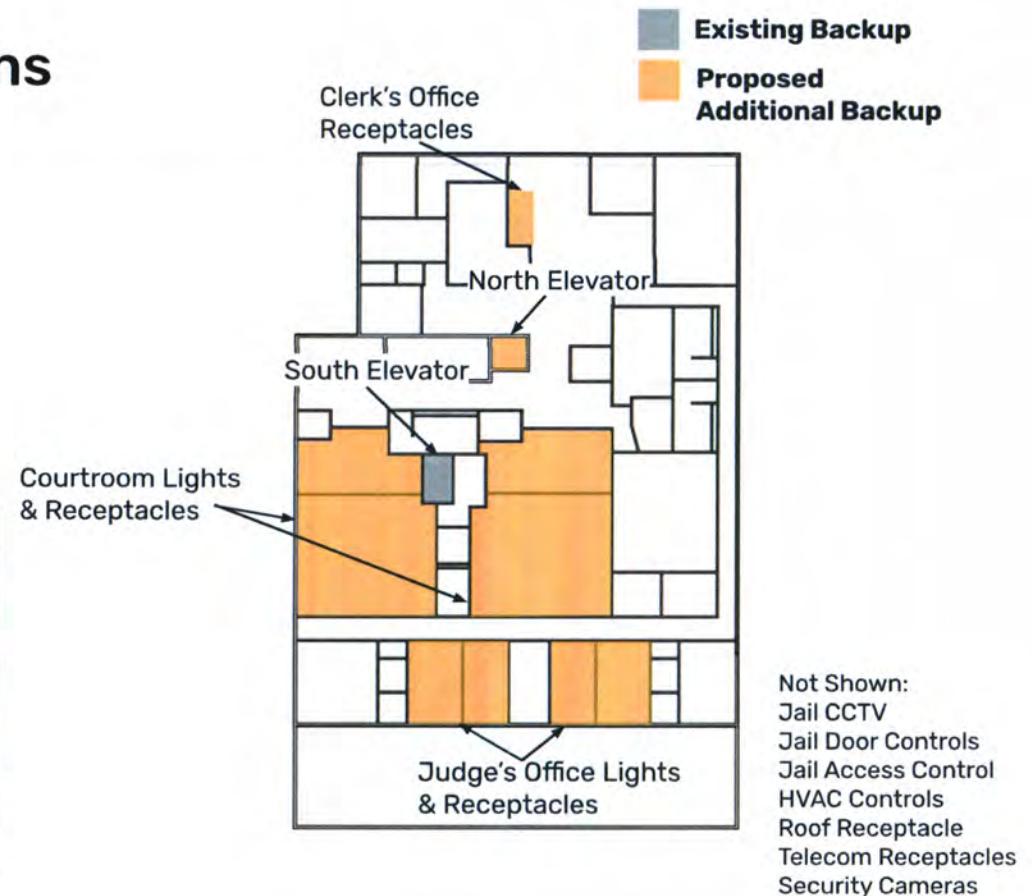
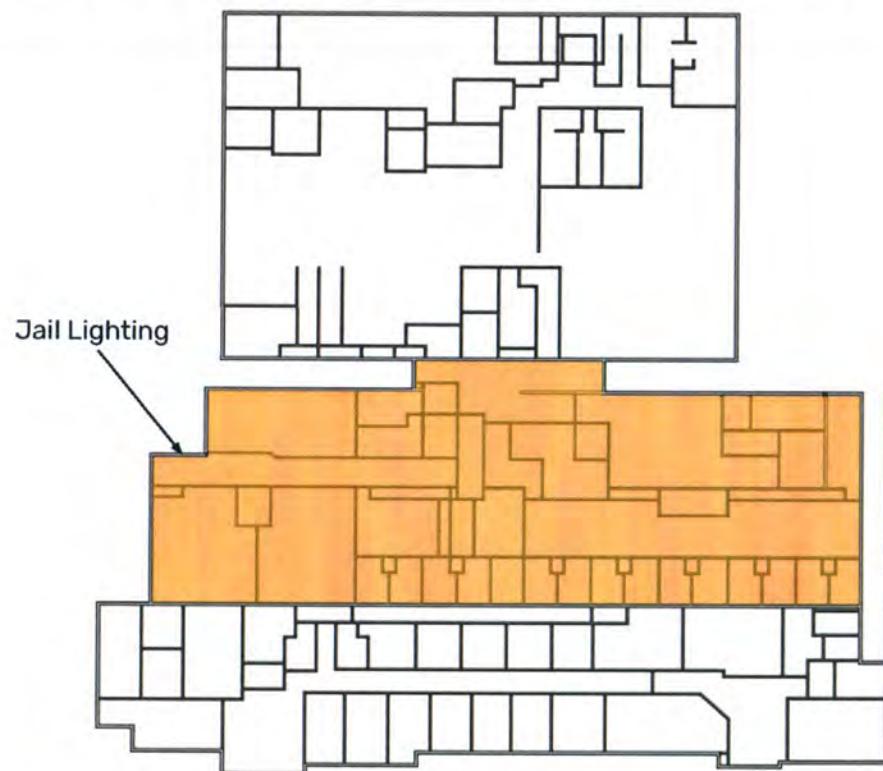
## Generator Scope Progress

# Proposed Generator Backup Plans



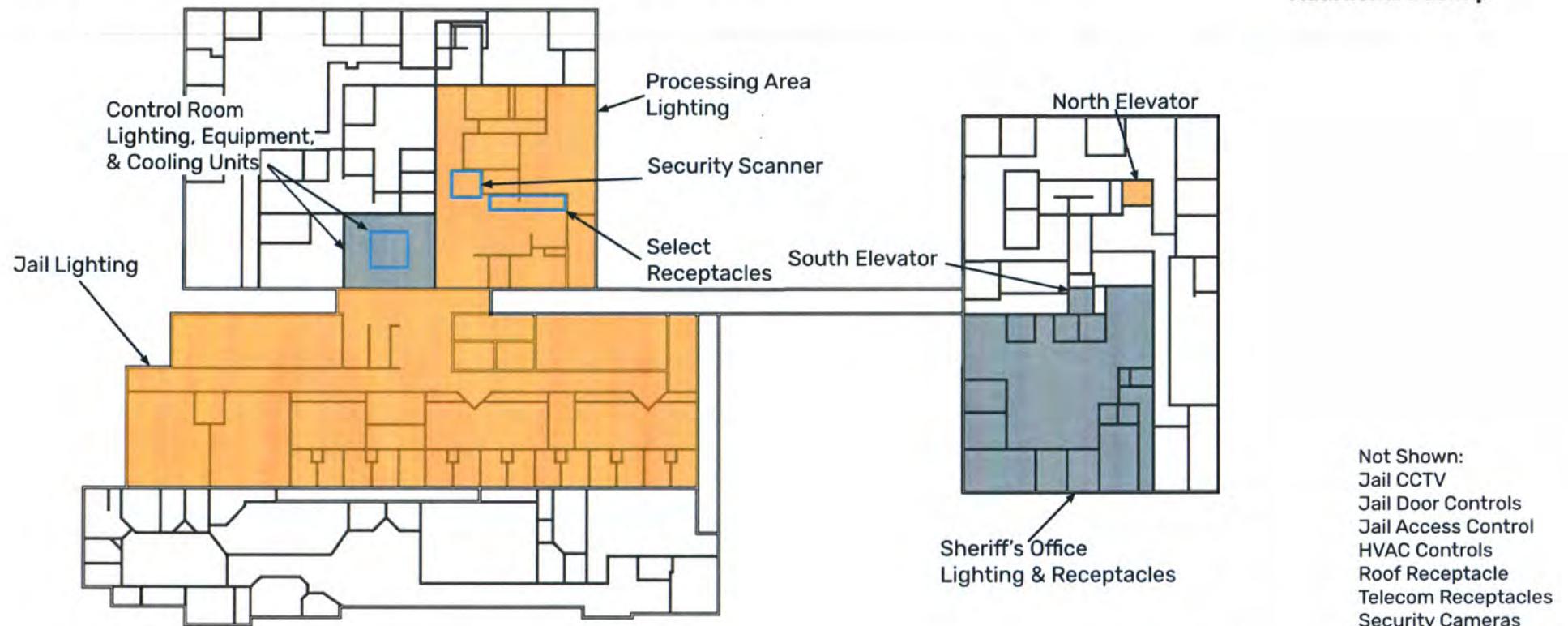
## Generator Scope Progress

# Proposed Generator Backup Plans



## Generator Scope Progress

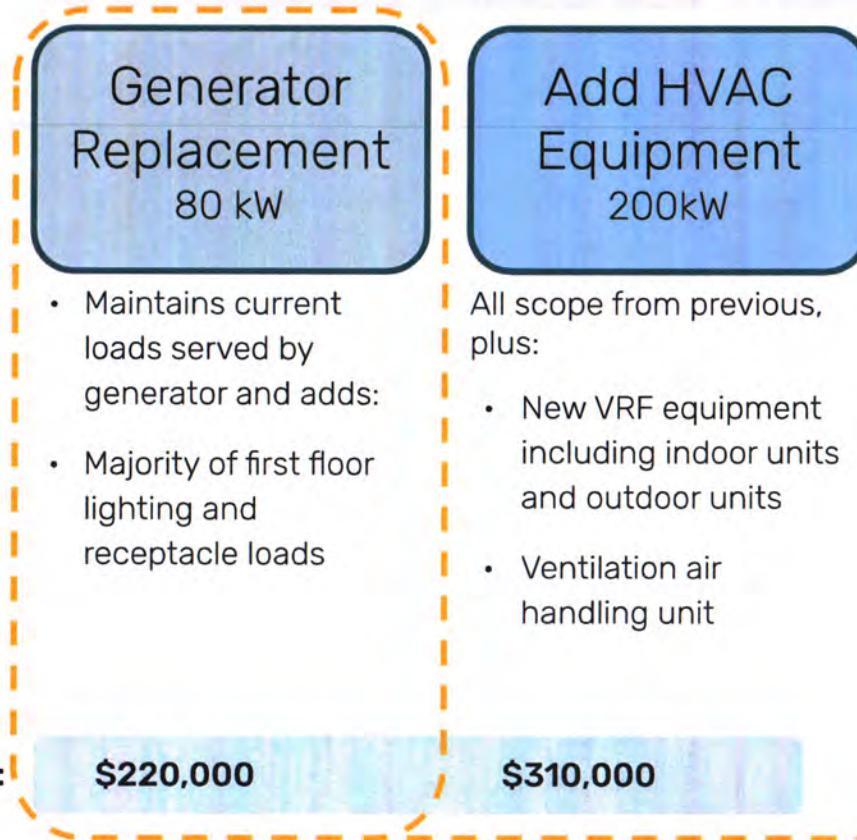
# Proposed Generator Backup Plans



## Administration Building Recommendations

- The current emergency loads are served by a 22kW propane generator that provides backup power to limited building cooling, lights and Receptacles.
- Millig investigated both a smaller and larger replacement system that would add systems to the emergency loads to better maintain county operations during a power failure. County facilities staff have selected the more cost-effective option for implementation.
- Millig would install an 80kW diesel generator that will support the existing emergency loads as well as all loads on Panel A. This will provide backup power to all first floor lighting and receptacles during a utility outage. The new generator would be in the same location as the existing generator.

## Administration Building- Generator Replacement Scope



County-Selected Option



Thank You

## Discussion & Notes

### Discussion

- Should heating be backed up at all buildings?
- Should cooling be backed up at all buildings?
- Aesthetic or siting concerns with taller, larger generators?

### Notes

- Whole-building generator projects will have shorter construction periods with fewer service interruptions.
- Estimates are turnkey and include all direct construction and professional service costs; exclude DES PM fees and sales tax.

## Generator Scope Progress

# Additional Needs

### Law & Justice

- Remaining lighting drawings (E2.X)
- Actual copies of utility bills (similar to previous Administration Building request)

### Jail/Annex

- Drawings from 2016 VRF remodel
- Site Plan and Floor Plan drawings



## ISLAND COUNTY PUBLIC HEALTH

### WORK SESSION AGENDA

DATE: 6/21/2023

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To: **Janet St. Clair, Chair**  
**Board of Island County Commissioners**  
  
From: **Shawn Morris, Director**

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Amount of time requested for agenda discussion. 45 minutes

**DIVISION:** Dept of Natural Resources

**Agenda Item No.:** 1

**Subject:** **Citizens' Advisory Board (CAB) Conservation Futures Fund Program (CFF)**  
recommendations and discussion for 2023 proposals.

**Description:** The Citizens' Advisory Board (CAB) makes recommendations for acquisitions for the Conservation Futures Fund (CFF) program. The goal of the CFF program is to acquire lands for public conservation, including shorelines, wildlife habitat, wetlands, agriculture, and forest lands. Presented by Heather Kortuem, Environmental Health Manager and Jen Schmitz, Natural Resources Manager.

**Attachment:** Executive Summary, Citizens Advisory Board (CAB) Recommendations 2023 Report.  
PowerPoint Presentation

**Request:** *(Check boxes that apply)*

- |   |  |
|---|--|
| <input type="checkbox"/> Move to Consent    | <input type="checkbox"/> Move to Regular       |
| <input type="checkbox"/> None/Informational | <input checked="" type="checkbox"/> Discussion |
| <input type="checkbox"/> Signature Request  | <input type="checkbox"/> Other: _____          |

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable

**Island County Conservation Futures**  
**Citizens Advisory Board (CAB) Recommendations 2023**  
**- Executive Summary -**  
*June 21st BOCC Work Session*

<b>Summary</b>	The Citizens' Advisory Board (CAB) makes recommendations for acquisitions for the Conservation Futures Fund (CFF) program. The goal of the CFF program is to acquire lands for public conservation, including shorelines, wildlife habitat, wetlands, farms, agriculture, and forest lands.
<b>Policy and Regulatory Context</b>	<p>Land eligibility for acquisition is determined by Island County Code (ICC) 3.22.010 – ICC 3.22.060, Island County Resolution C-03-18, Revised Code of Washington (RCW) 84.34.020, RCW 84.34.210 and RCW 84.34.220. CAB evaluation criteria includes conservation value, public recreation opportunities, habitat, water resources, stewardship viability, financial strategy, and other factors.</p> <p><b>Equity Lens</b></p> <ul style="list-style-type: none"> <li>When making CFF recommendations, a central goal for the program going forward is to integrate an equity lens. Considering proximity of lands to historically underserved communities, as well as environmental health and recreational benefits will inform equity-driven approaches to resource stewardship.</li> </ul> <p><b>Climate Lens</b></p> <ul style="list-style-type: none"> <li>Certain lands provide higher value for climate resiliency and adaptation, including coastal wetlands, riparian areas, freshwater wetlands and other ecosystems that serve as carbon sinks, mitigate flooding risks, and help manage stormwater. Staff will continue to work with the CAB to evaluate climate adaptation value when considering acquisitions, using best available science.</li> </ul>
<b>Fiscal Impact</b>	Organizations that are eligible to receive Conservation Futures Funds include Island County government, cities, towns, special purpose districts, non-profit nature conservancy organizations (as defined in RCW 84.34.250), and non-profit historic preservation organizations (as defined in RCW 64.04.130). The CFF Citizens' Advisory Board makes recommendations to the Board of County Commissioners. The Board of County Commissioners makes the final determination on funding.
<b>Community Impact</b>	Land acquisition has tremendous potential to conserve critical resources, create climate resiliency, advance equity, and improve quality of life. Please view CAB Recommendations report for detailed information regarding each proposal.
<b>Recommendation</b>	Review findings for each proposed land acquisition in attached report to make informed decisions on proposed CFF acquisitions.

## ISLAND COUNTY CONSERVATION FUTURES

### CITIZENS ADVISORY BOARD

**Date:** April 28, 2023

**To:** Board of Island County Commissioners

**From:** Kathryn Wells, Chair, Conservation Futures Citizens' Advisory Board

**Subject:** 2023 Conservation Futures Program Grant Recommendations

*The purpose of the Conservation Futures Fund (CFF) program is to preserve, protect, maintain, improve, restore, and limit the future use of lands of public conservation importance through a variety of means, except eminent domain. These lands include shorelines, wildlife habitat, wetlands, farm, agricultural and forest lands that are under pressure from increasing urban development pursuant to Island County Code (ICC) 3.22.010 – ICC 3.22.060, Island County Resolution C-03-18, Revised Code of Washington (RCW) 84.34.020, RCW 84.34.210 and RCW 84.34.220.*

*Organizations that are eligible to receive Conservation Futures Funds include Island County government, cities, towns, special purpose districts, non-profit nature conservancy organizations (as defined in RCW 84.34.250), and non-profit historic preservation organizations (as defined in RCW 64.04.130). Eligible Acquisition projects will be reviewed by County Staff and the CFF Citizens' Advisory Board which will make recommendations to the Board of County Commissioners. The Board of County Commissioners will make a final determination on funding.*

On April 6, 2023 the Conservation Futures Fund Citizens' Advisory Board (CAB) conducted a properly noticed virtual public meeting to evaluate the Conservation Futures Fund (CFF) program applications for 2023. The hybrid meeting was held in the Commissioners Hearing Room and via the Zoom video-conferencing application.

The following six CAB members participated, constituting a quorum:

- Susan Bennett
- Linda Kast Meehan
- Todd Peterson
- Joyce Richards via Zoom
- Karen Scharer
- Kathryn Wells

Also in attendance were Heather Kortuem, Island County Environmental Health Manager, Michala Milewski, Conservation Futures Fund Coordinator, Ryan Elting and

Kurt Schlimme of the Whidbey Camano Land Trust, Candace Jordan, Bob Gentz, and Barbara Lavaty of the Whidbey Watershed Stewards, Blaine Oborn, Steve Schuller, and Wendy Horn from the City of Oak Harbor, Carl Freund, landowner. Other members of the public included Linda Rhodes and Barbara Brock.

#### **ACQUISITION PROJECT APPLICATION(S):**

Three applications were presented to the CAB:

1. Freeland Wetlands Preserve Acquisition (Whidbey Watershed Stewards)
2. Fossek Forest Conservation Easement (Whidbey Camano Land Trust) NOTE: application amended on April 24, 2023
3. Freund Marsh Preservation Project (City of Oak Harbor)

#### **Findings**

Pursuant to ICC 3.22.060, the following report, April 6, 2023 CAB public meeting summary/minutes, and attached documents constitute the annual report to the Board of County Commissioners.

The CAB voted unanimously to approve funding for the Freeland Wetlands Preserve project as it fully meets CFF evaluation criteria.

The CAB also voted unanimously to approve funding for the Fossek Forest Conservation Easement as it fully meets CFF evaluation criteria. The Whidbey Camano Land Trust (WCLT) amended their 2023 application for appraisal costs only. WCLT will submit an application in 2024 to secure the conservation easement.

The CAB further recommends rolling over funds remaining from the 2023 cycle for the 2024 cycle.

The CAB did not believe that the Freund Marsh Preservation Project application and site visit supported or addressed several of the Conservation Futures Fund requirements and evaluation criteria. The CAB voted unanimously not to recommend funding of the City of Oak Harbor application and to ask Oak Harbor to reapply in the 2024 application cycle with the recommended changes listed below.

- Applicant states that the City hired a consultant to prepare a wetland restoration plan in 1997 as part of the original wetland purchase. Include in the application how the City has implemented that plan.
- Include an updated stewardship plan for the subject properties that includes assessment of the restoration needs of the new parcels and plans for implementation and maintenance until established. The CAB noted that the

property owner expressed disappointment in the restoration efforts performed since the 1997 acquisition.

- Include discussion of the impact the stormwater runoff from the large new development upslope will have on the subject properties and how the City will ensure that the runoff is managed long-term to prevent harm to the wetlands, aquifer, and bay.
- Provide documented support for the project/application.
- Consider adding a matching grant to leverage funds provided by the CFF.
- Consider reducing the valuation of the properties or submit a current certified appraisal.
- Further, the CAB questions if a greater priority should be placed on exploring the feasibility of improving the tidal gate with a fish-passable structure that still protects the city from flooding and restoring the streams/drainage ditches providing habitat for salmonids.

## **Project Review and Ranking**

Most members of the CAB toured the project sites, and all reviewed the applications.

The CAB recommends that both the Freeland Wetlands Preserve and the amended Fossek Forest proposals be fully funded.

### **1. Freeland Wetlands Preserve Acquisition (Whidbey Watershed Stewards)**

The Freeland Wetlands Preserve (Preserve) is an open space of approximately 43 acres. The Whidbey Watershed Stewards (WWS), a local environmental non-profit, requests \$295,512 from the Conservation Futures Fund to purchase two parcels, a total of 2.8 acres of wetland and upland along Newman Road and Scott Road, adjacent to the already-protected and open-to-the-public Preserve. These two parcels provide access to the Preserve. The goal of this acquisition is to maintain access to the Preserve, continue ecological restoration efforts on these wetland buffer properties, and expand their environmental education offerings at this unique and important site.

The WWS currently has permission from the landowners, Birds of a Feather LLC, to allow the public to access the trails of the Preserve, host educational tours for people of all ages, and steward the trails and wetlands, including removing invasive species and

planting new trees as others fall. WWS has been restoring and maintaining these parcels since 2014.

Though the Preserve, owned by WWS, is designated as a Nature Conservancy open to the public per RCW.84.36.260, the zoning of these two adjoining parcels has changed to Non-Residential Mixed Use and is now within the Freeland Non-Municipal Urban Growth Area. Retaining access to the Preserve is critical as part of the educational mission of WWS and the Preserve's designation as a Nature Conservancy open to the public. These two parcels also serve as buffers to the bulk of the wetland on the west edge, and continuing to restore and protect them helps to protect the Preserve, home to numerous birds, amphibians, mammals, and an area of aquifer recharge.

#### **Conservation Values and Resources**

Both properties contain wetlands, with R22911-093-3070 bordering Scott Road being mostly wetland and steep slopes according to the Island County Parcel Report provided by the applicant and ICGeo. The adjoining Preserve's wetlands have been described as "pristine" by local environmental consultant Elliott Menashe, and WWS has been working to ecologically improve both subject parcels by removing invasive vegetation and replanting with native trees, which also benefits the Preserve.

The subject parcels are partially forested containing mature red alder, Western redcedar, Western hemlock, and Douglas-fir.

Many species of wildlife make use of the Preserve and adjoining properties, including common loon (listed as Sensitive in Washington (per WDFW)), western grebe (a candidate for listing in Washington as State Endangered, Threatened, or Sensitive (per WDFW)), and American bittern (declining across much of the U.S. due to loss or degradation of wetland habitat (per BirdWeb)). Mammals including Vespertilionidae bats and amphibians including several species of salamanders have been documented at the Preserve. Northern red-legged frogs have been observed here, and while the Washington population appears to be stable, concerning declines have been observed in surrounding areas (Oregon, British Columbia).

Both parcels are listed as "medium susceptibility" for aquifer recharge and protecting them from development would help protect and recharge the aquifer. These parcels also serve as a buffer for the wetland on the west side.

#### **Appropriate Public Use and Enjoyment**

The Preserve and well-maintained walking trails are currently used by WWS for education and restoration, by the public for passive recreation, and are featured in the

book *Hiking Close to Home* by Maribeth Crandell and Jack Hartt. Trails are used daily by casual walkers and birders.

The more upland parcel along Newman Road (R22911-122-2990) contains a small parking lot, a picnic table and a kiosk, built by the South Whidbey Rotary Club prior to WWS's involvement with the site. An old barn still exists on the property and these amenities are used by WWS for their educational programs. If the property is purchased, WWS intends to further develop the property to serve their public environmental education programs.

The wetland parcel bordering Scott Road is used exclusively for a portion of the trail and for ecological restoration.

### **Plan Consistency and Partnerships**

The application did not include a list of local plans with which this project aligns, however it has significant support from locals.

### **Documented Support**

Letters of support include the following:

- Dyanne Sheldon, retired Certified Wetland Ecologist in the Puget Sound region, who
  - states that protecting the two subject parcels will "improve the long-term protection and integrity of the Freeland Wetland Preserve",
  - "Preserving wetlands for the long-term also requires permanent protection of the upland buffers...", and
  - WWS (Friends of Freeland Wetland Preserve) demonstrate their commitment to the Preserve and providing public access to it.
- The Rotary Club of South Whidbey Island who
  - notes that WWS has "responsibly" stewarded and "vitally" enhanced the Preserve,
  - has worked with WWS to ensure that the community has access to view and experience the unique wetlands of the Preserve, and that development would interfere with these goals, and
  - notes that, "[WWS] are one of our strongest partners in caring for, and preserving, the beauty and living ecosystem of this beautiful resource called Whidbey Island."
- The Whidbey Camano Land Trust who supports protecting this wetland and forest habitat and providing public access for passive recreation.

- Sound Water Stewards, who describes this area as “rare habitat” and would like to partner with WWS in providing environmental education and opportunities for study and restoration at this site.
- Dave Parent, local veterinarian, who frequently walks the Freeland Wetlands trail and notes that the Preserve “has been an important breeding area for several species of amphibians” and birds.
- Steve Ellis, local naturalist and former member of the Conservation Futures Fund Technical Advisory Group, who states that this wetland area, “is probably the most critical wetland habitat for amphibians in Island County” and “WWS would be the best stewards of this valuable resource.”
- Clyde Shavers, State Representative (10th District), who applauds WWS’s work and supports the purchase of these two parcels to keep as trails and serve as buffers for the Preserve.

### **Potential for Loss**

The change in zoning of the subject parcels to Non-Residential Mixed Use combined with the landowners (Birds of a Feather LLC) expressing their intention last year to sell the parcels has made this project urgent. Without these parcels, WWS and the public would lose access to continue to restore and experience the pristine wetlands, and possible development of either or both parcels could threaten the health of the Preserve and its inhabitants.

The upland portion of the parcel along Newman Road does have soils suitable for a septic system.

### **Assessment of Stewardship Viability**

WWS has maintained and restored the subject parcels since 2014, with volunteers who work on similar projects at other sites on Whidbey, and with funding from grants and WWS’s fundraising. WWS will continue to identify stewardship needs and address them via their management plan which includes funding.

### **Financial Strategies**

WWS is requesting \$295,512 for the purchase of the two parcels, with any other acquisition costs covered by WWS through donations of time, fundraising, and grants. Per Island County tax records, the Scott Road parcel is valued at \$110,000. The Newman Road parcel is valued at \$120,181 and includes an open barn-shaped shelter valued at \$10,181. CFF funds may not be used to purchase the structure. WWS said that they would find a way to cover the cost of the structure after the property is appraised.

In addition, WWS said that they could ask Birds of a Feather LLC if they would be willing to accept less than the full appraised value for the parcels.

#### **Habitat**

See Island County DNR report.

According to the applicant, the wetlands of the subject properties and the Preserve are part of a cluster of freshwater wetlands all along Newman Road.

#### **Water Resources**

See Island County DNR report.

## **2. Fossek Forest Conservation Easement (Whidbey Camano Land Trust)**

The Whidbey Camano Land Trust (WCLT) amended their application on April 24, 2023, reducing the funds requested from \$700,000 to approximately \$11,000 to \$13,000, the estimated amount needed for an appraisal of the Fossek Forest property. The appraisal will determine the fair market value of the 25-acre parcel and with that information, the WCLT will work with the landowners and the City of Langley to submit a revised CFF application in 2024 to hopefully secure the conservation easement of the Fossek Forest.

**The original application is described and evaluated below.**

The WCLT originally sought \$700,000 to secure a conservation easement on approximately 25 acres of undeveloped, working forest land owned and worked by the Fossek Family near the City of Langley (City). The property comprises part of the headwaters of the watershed that includes the City and is near a trail system being created by the Langley Parks and Open Space Commission. A portion of this property is an important linkage in this trail system.

This forest has been managed by the Fossek family for forest health and diversity and as a result is a high-quality mixed-age forest that provides excellent wildlife habitat within a critical habitat corridor, carbon sequestration, and water filtration. The forest contains mature and seedling Western white pine which due to blister rust is less common in the region than it was before the fungal disease was introduced in 1910.

Under current code, the property could be developed into five homesites. The forestland has been in the family for over 100 years and the current generation would like to keep it forested.

### **Conservation Values and Resources**

Most of the Fossek Forest is comprised of mature Douglas-fir, Western hemlock, and Western redcedar, with some Western white pine and a healthy understory of evergreen huckleberry, salal, sword fern, Oregon grape, and other native species. Invasive species appear to be well-controlled. Timber harvests have consisted of light thinning and small patch cuts that increase diversity on the property, and the owners have planted over 3,000 tree seedlings to replace trees that were removed. Forests like this sequester carbon and positively contribute to air quality in the local area.

The forest is located within a critical habitat corridor that allows wildlife to move through undeveloped areas of south Whidbey. A wildlife-focused timber management plan under a conservation easement would provide habitat for Pileated Woodpeckers, a keystone species in western Washington forests because they excavate a new cavity nest annually, leaving the old nests for chickadees, nuthatches, swallows and other birds, and squirrels.

The Fossek Forest filters water within the watershed that contains the City of Langley and protects this area designated as “high susceptibility” to groundwater contamination (high capability of aquifer recharge). Development of this property would increase the risk of groundwater contamination and poor surface water quality. In addition, the multi-layered forest structure reduces stormwater runoff to nearby developed areas.

### **Appropriate Public Use and Enjoyment**

The south end of the Fossek Forest is along the in-development 2.5 mile trail system that will loop around the City of Langley and a trail easement would be put in place under the property’s conservation easement. Per the WCLT, “Langley currently holds an easement connecting the Fossek Forest to Al Anderson Road to the east. The trail loop could not be completed without crossing the [Fossek Forest].”

The trail provides another low-impact amenity for Island County residents and visitors, and the Langley City Council fully supports the proposal to protect Fossek Forest with a conservation easement. The trail would be maintained by volunteers for the Langley Parks and Open Space Commission.

### **Plan Consistency and Partnerships**

**Consistency with Local Plans:** The project is consistent with multiple aspects of local plans.

1. The project increases passive, outdoor recreation opportunities for residents and Island County tourists, protects habitat and a critical aquifer recharge area, and maintains island character.
2. The Fossek Forest is within the City of Langley's Joint Planning Area (JPA) (and immediately adjacent to the Urban Growth Area) and the Langley City Council unanimously endorsed this proposal.
3. The project aligns with many Island County and City of Langley goals.

#### **Island County Comprehensive Plan element 1 – Natural Resources**

Goal 1. Safeguard the natural environment as an integrated system where the land, water and air resources interact.

Goal 2. Preserve a high level of air quality.

Goal 4. Protect fish and wildlife habitat areas.

Goal 7. Manage and protect ground water.

Goal 8. Protect aquifer recharge areas.

Goal 10: Conserve a variety of natural lands that coincide with other valuable resources.

Goal 11: Prioritize the protection of natural lands that coincide with other valuable resources, including ecological, historical, agricultural, recreational, and cultural lands.

Goal 12: Protect natural, scenic, cultural, and historic lands as community assets.

Goal 13: Continue to promote active public involvement in the conservation or protection of important natural lands.

Goal 14: Continue an open dialogue between Island County, incorporated jurisdictions, special purpose districts, non-profits, and others working toward the conservation of natural lands.

#### **Island County Comprehensive Plan (ICCP) Element 7 – Parks and Recreation**

Goal 2: Provide low impact/passive outdoor recreation opportunities throughout the County.

Goal 4: Acquire lands that conserve priority habitat and natural resources, preserve open space, improve beach access, maintain island character, and improve and expand passive outdoor recreational opportunities for public enjoyment.

Goal 9: Engage Island County residents in the planning and stewardship of parks, trails, and conservation areas, and provide effective communication to improve awareness and support of County services.

**City of Langley Comprehensive Plan - Land Use**

LU-2.7: Preserve to a significant extent tree cover and open space in the JPA for watershed management, habitat preservation, wildlife corridors and Langley's visual character. Preserve significant forests, agriculture, and open space areas in the JPA with the goal of establishing an integrated open space system within and around Langley, including such elements as a greenbelt, tree horizons, forested buffers, wildlife corridors, parks, overlooks and trails.

LU-2.8: Designate open space corridors within the City's planning area to protect critical areas, protect wildlife habitat, and provide accessible footpaths for pedestrians connectivity in these corridors. Protect visually significant tree lines through open space corridors and other means including entranceways into the City.

LU-2.9: Collaborate with stakeholders to prioritize critical areas and other sensitive lands for conservation and long-term protection.

LU-2.16: Work with the County on open space preservation efforts adjacent to the City.

LU-8.1: Critical areas shall be maintained and, where appropriate, enhanced to protect functions and values, and to protect the public health, safety, and welfare.

LU-8.10: Consider, where appropriate, non-regulatory protection measures or acquisition of critical areas by a public or non-profit entity.

LU-10.1: Promote preservation of historically significant features of the Langley landscape, including cultural resources, farmlands, forests, and open spaces.

LU-11.8: Promote greater walkability in Langley by improving pedestrian connections, increasing densities and permitting a mix of uses.

**City of Langley Comprehensive Plan - Parks and Open Space**

POS-2.1: Partner with Island County to better coordinate project review in the Urban Growth Area, Joint Planning Area and beyond to ensure that open spaces, trail corridors and natural amenities important to the character of Langley are preserved during development.

POS-2.2: Cooperate with Island County, the South Whidbey School District, the South Whidbey Port Authority, the Whidbey Camano Land Trust, the South Whidbey Parks and Recreation District and others to develop and maintain park and open space areas and trail corridors.

POS-2.4: Encourage the protection and acquisition of large areas of open space in the county including agricultural, forest, and natural resource lands, as well as linkages between them.

POS-3.1: Ensure that Langley's natural environment is a key to the quality of life and economic development of the City.

POS-3.2: As part of any parks, open space and trails planning, protect, preserve and enhance the city's natural assets including shorelines, streams, views, wildlife habitat, riparian corridors, wetlands, steep slopes, and abundant native vegetation.

POS-3.6: Establish and protect wildlife corridors that connect parks and open spaces within the City using a variety of tools including but not limited to acquisition and conservation easements.

POS-3.7: Preserve and protect critical areas and their buffers as wildlife habitat. Where trails are within critical area buffers ensure they will create no net loss of habitat or ecosystem function.

#### **Documented Support**

The Whidbey Camano Land Trust would not have applied for funding without receiving the City of Langley's support.

In addition to being unanimously endorsed by the Langley City Council and supported by the willing landowners (Fossek/Tillman family) and neighbors, letters of support for this project were provided by:

- the Talking Circle Community Association who are neighbors of the Fossek Forest and have protected land adjacent to it. They also approve of the trail and, "see this as a public benefit for all concerned."
- the Whidbey Watershed Stewards who [approve of] this project's benefits to watershed health, wildlife habitat, and passive recreation for the public.
- the City of Langley Parks and Open Space Commission who stated, "The proximity of mature forest and a working farm to downtown commerce and oceanside uniquely anchors this historic land in the hearts of many."
  - The trail easement provides an essential link in the 2.5 mile loop. "As population and visitation increase, a marked trail provides structure for wandering walkers, preventing unwanted trespass."
  - "[The Fossek/Tillman family]'s efforts to maintain the forest and farmland beyond this generation may very well depend on receiving Conservation Futures Funds."

#### **Potential for Loss**

The 25-acre forest could be sold for conversion to 5 homesites, which would be very attractive given the setting, soils suitable for septic systems, and proximity to the City of Langley. Development would negatively impact this forest's ecosystem services, benefits to the watershed and wildlife, and remove another high-quality working forest from Island County.

- Development pressure has been wearing on some of the family trust members (particularly those who live in other parts of the U.S.), and it is important to protect this property before the pressure becomes too great.
- Funding opportunities for this type of project are limited, and the landowners are willing to donate a portion of the total cost (\$200,000) to ensure that the forest is protected.
- The Whidbey Camano Land Trust states that if available funding is insufficient to put all 25-acres into a conservation easement, the development rights to five acres at the north end, closest to the open farmland, could be kept by the landowners. The trail easement would not be in jeopardy under this scenario.

#### **Assessment of Stewardship Viability**

The WCLT will develop a management plan for the conservation easement focused on long-term health of the forest and will monitor the property at least annually in perpetuity to ensure that the landowners follow the plan and the rest of the easement terms. The WCLT maintains a stewardship fund for monitoring and enforcement, when needed, which could include legal action.

Under the conservation easement, the landowner is responsible for maintaining the property, including any capital improvements. The property may be owned by a single entity only and may not be subdivided.

The City of Langley Parks and Open Space Commission and their volunteers will build and maintain the trail.

#### **Financial Strategies**

The total conservation easement value is estimated at \$900,000, the appraisal and survey costs are estimated at \$50,000, and the total amount being requested from CFF is \$700,000.

- The landowners are willing to donate \$200,000 of the total cost of the project (21% of the total cost of the project, which is \$950,000).
- The WCLT is donating \$10,000 plus the cost of maintaining the easement in perpetuity.

- The 5-acre development right of the north section near the open farmland could remain with the Fossek/Tillman family to decrease the total project cost.
- Although the City of Langley may not have funds to support the project financially, WCLT could ask the City, given that not enough funds are available to secure the full conservation easement.

Protecting the Fossek Forest now with a conservation easement includes a few cost efficiencies:

- long-term stewardship of the property and associated costs remain with the landowner, monitored by the WCLT,
- the property is currently zoned Rural with one residential development right per five acres and zoning in this area could change, increasing the cost,
- the property is under the tax classification of Designated Forest Land, and
- local volunteers have expressed interest in being “Site Stewards” if this property is protected.

#### **Habitat**

See the Island County DNR report.

#### **Water Resources**

See the Island County DNR report.

## **Recommendations and Conclusion**

Approve Conservation Futures Funding for:

- The Freeland Wetlands Preserve, and
- the Fossek Forest Conservation Easement as amended,
- with remaining Conservation Futures funds rolled over for the 2024 application cycle.

The CAB originally found it difficult to rank one of the above projects over the other. Both meet the CFF evaluation criteria and are enthusiastically supported by neighbors, volunteers, and partner organizations, which was great to see. The histories of each site demonstrate a long-standing commitment to the stewardship and protection of their invaluable natural resources and qualities, and the proposals, site visits, and public

participation at the April 6th meeting show that commitment to be enduring. Funds allocated to both projects will provide long-term benefits to Island County residents and visitors.

It was delightful to see applications from multiple groups seeking to protect, restore, and provide appropriate public access to unique and important natural areas in Island County. The CAB would welcome such a variety of worthy applications every year, as hard as it may be to choose between them.

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### **Not Recommending for Funding: Freund Marsh Preservation Project (City of Oak Harbor)**

Though we are not recommending that the Freund Marsh Preservation Project be funded, we do ask that the City of Oak Harbor reapply next year with the elements noted in the Findings. We offer our assessment of the project in hopes that it will assist the City of Oak Harbor with their reapplication process or with other funding opportunities they may seek to protect the wetland and nearshore habitats of the subject properties.

The City of Oak Harbor (City) seeks \$582,490 to purchase three parcels adjacent to the 44.31 acre Freund Marsh, one parcel of which was acquired in 1998 with Conservation Futures Funds and the other was donated by Freund Family.

All three parcels include freshwater wetland habitat and one includes beachfront adjacent to the nearshore currently protected by the City as part of Freund Marsh. The application states that the goals of acquiring these parcels are:

- conserve and restore diverse, native wetland and estuarine marshland within City limits
- protect and mitigate damage to beach front and marshland from climate change
- expand City-owned open green spaces and public access to beachfront and scenic views

The parcels total 3.96 acres.

- R13203-050-4580, 0.99 acres for \$64,687 - freshwater wetland
- R13203-047-4190, 1.34 acres for \$1,313 - freshwater wetland and steep slope
- R13203-430-4530, 1.63 acres for \$400,000 - beachfront, freshwater wetland and estuarine marsh

- Other costs: Conservation Easement Costs, Contingency & Other Associated Closing Costs: \$116,500

#### **Conservation Values and Resources**

Natural spaces within the City are rare and wetlands and beachfront are particularly valuable natural lands for city residents, visitors, and the public at large for the ecosystem services that they provide. The beach on parcel R13203-430-4530 is designated as a smelt spawning beach in Salmon Priority Area 2 (medium priority). There are mapped, non-fish bearing streams functioning as drainage ditches on or adjacent to the parcels, though the tidal gate on an adjacent property already owned by the City does not allow for tidal exchange or fish passage. The City intends to upgrade the tidal gate and maintain the dike-like beachfront to prevent saltwater intrusion of Freund Marsh and possible flooding of the nearby homes and commercial developments.

The subject properties are designated as “medium susceptibility” on the aquifer recharge map. Protecting them from development, enhancing the wetland’s function, and ensuring that runoff into this area has been filtered would be beneficial for aquifer recharge.

Freund Marsh is home to a variety of plants and animals including a variety of bird species, otters, and amphibians. The subject properties were once farmland and appear to have some native plants but also some invasive plants, such as Himalayan Blackberry and what appears to be Reed Canary Grass.

#### **Appropriate Public Use and Enjoyment**

Freund Marsh’s grassy and gravel trails are extensively used by Oak Harbor residents and visitors, and it is connected by a trail to popular Windjammer Park. Currently the City has permission from the private landowners along the beach to access the tide gate for maintenance, but the purchase of the beachfront property would secure this access, allow new public access to the beach for low-impact recreation, and help preserve the view.

Acquiring the other two parcels would ensure that the current trails may remain where they are currently situated and in a natural condition.

#### **Plan Consistency and Partnerships**

**Consistency with Local Plans:** The project is consistent with multiple aspects of local plans. The acquisition of these parcels would protect critical areas that remain developable and protect valuable open space for humans and animals alike.

**The City of Oak Harbor's**

- Long Term Comprehensive Plan (LTCP),
  - Land Use category
    - Goal 1.d: "Promote areas for open space and recreational opportunities within residential development."
    - Goal 1.h: "Encourage private and public preservation of undeveloped open space."
    - Goal 5.b: protection of public view corridors.
  - Urban Growth category
    - Goal 1.b: "consideration shall be given to designating and protecting a "greenbelt" of wooded area or open land surrounding the urban growth boundary."
  - Open Spaces category
    - The first guiding principle for the City is that it "recognizes, respects, preserves and protects areas where nature will and must take its own course in shaping itself. However, the City also recognized that it is the ambassador for change that is required to create space for the healthy existence of nature within the built environment."
    - "protect open space lands that provide forage, migration and habitat for wildlife by identifying and designating them in plans"
    - "identify and preserve open space lands that permit public access to the waterfront and other natural areas"
    - "protect open spaces that provide important ecological functions and values."
- Capital Improvement Plan (CIP)
- Shoreline Master Plan (SMP), revised and adopted in 2021.
  - Shoreline conservancy is defined as, "to protect and restore the ecological functions of open space and other sensitive lands, provide primarily passive water-oriented recreation and public access in a manner that protects ecological function..."
  - Conservancy areas include the subject parcels in designated wetland areas associated with Freund Marsh.

**Island County Plans**

- Comprehensive Plan - Shoreline Uses

- Recreation
  - H.1 states "Preserve regionally scarce and fragile natural resources when developing recreational uses."
  - H.7 states "Linkages between shoreline parks, recreation areas and public access points with linear systems (e.g., water trails, hiking paths, bicycle paths, easements, or scenic drives) should be provided where feasible."
  - H.12 states "Prioritize the acquisition of privately owned shorelands or improvement of publicly owned shorelands, with high value for recreation, before other development makes such action impossible."
- Ecological Restoration
  - "F1 Ecological Restoration states "Ecological restoration activities are encouraged in all shoreline environments and are considered to be consistent with all uses including residential, commercial, and industrial, provided they are designed appropriately."
  - F.2 states "Restoration Actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted toward meeting the needs of endangered, threatened and regionally important plant, fish and wildlife species and habitats."
  - F.3 and F.4 support shoreline preservation and restoration.

Public outreach about the proposed acquisitions to expand Freund Marsh Park has not been conducted, but was discussed at a February 21, 2023 Oak Harbor City Council meeting.

#### **Potential for Loss**

The current owners are interested in selling these parcels to the city. Purchase offers have been made on these parcels in the past three years and the prospective buyers had plans for residential or commercial development. Development would likely degrade the habitats and water filtering functions of these properties, and could interfere with the current public access to the Freund Marsh trails on the beachfront lot.

#### **Assessment of Stewardship Viability**

This is one of the criteria the CAB believes the City's application lacks.

A wetland restoration plan beyond the one that was developed for the City when the initial Freund Marsh parcels were purchased was not submitted, nor did the City representatives share one when requested by the CAB after the March 20th site visit. Per the application and discussions with the City's representatives, the City intends to let the natural wetland vegetation regrow on its own. Unfortunately, pasture grasses dominate and there are areas of invasive vegetation such as Himalayan blackberry and what appears to be Reed Canary grass. Prior to receiving Conservation Futures Funds, CAB finds that a plan for invasive plant management and active native plant restoration (and maintenance until established) to enhance the wetland's ecosystem services is critical to assure commitment by the city to management and restoration. Ideally, the stewardship plan would include the rest of Freund Marsh, but the CAB recognizes that is beyond its purview, as the other parcels were acquired with Conservation Futures Funds before stewardship plans were required. The CAB reminds the City that the Whidbey Island Conservation District can assess these parcels and provide planting and establishment plans.

The City currently maintains Freund Marsh and would fold these parcels into its maintenance plans. Retaining access to the tidal gate via purchase of the waterfront property (R13203-430-4530) is important to the City for preventing saltwater flooding by King Tides into the marsh and residential beachfront properties.

### **Financial Strategies**

Nearly the entire purchase amount would come from CFF. The City would work with the seller to potentially reduce costs and states that it would contribute approximately \$30,000 toward closing and transfer costs, approximately 5% of the total project budget.

The CAB would like to see additional financial support from the City and/or matching grants for this acquisition.

### **Habitat**

See the Island County DNR report.

In addition, these wetland and nearshore ecosystems are priorities for conservation for their environmental benefits to fish (smelt spawning beach, Salmon Priority 2 area), amphibians, birds, mammals, and for their water storage and filtration functions.

Per Island County DNR, however, the tidal gate limits some of the potential ecological benefits of the marsh by preventing fish passage, and “current science suggests that degraded tidal gates should be removed and/or replaced with upgraded fish passage gates that support salmon in various life cycles.” (Reed, Island County DNR report, 2023). Given that the City of Oak Harbor Marina recently restarted a salmon-rearing project and has released thousands of juvenile salmonids in 2021 and 2022, the CAB believes it would be worth exploring the feasibility of improving the tidal gate with a fish-passable structure that still protects the city from flooding, and restoring the streams/drainage ditches to provide additional habitat for these and salmon from other areas.

#### **Water Resources**

See the Island County DNR report.

# FREUND MARSH PRESERVATION PROJECT 2023



Island County

June 21, 2023

# FREUND MARSH BACKGROUND

- 1998 – City purchased 35 acres from the Freund family (Conservation)
- Freund family donated another 9+ acres for a nature trail and preserve
- Three adjoining parcels available now
- Total = 3.96 acres



# BENEFITS OF PROJECT

- Land conservation and habitat protection
- Public access to beachfront, scenic views & 35 acres of Freund Marsh
- Increase green space in Oak Harbor
- Prevent development



# 3 OPTIONS FOR CONSIDERATION

## Option 1 Three Parcels

- CFF Request =  
**\$582,490**
- City Contribution =  
**\$25,000**
- Total = **\$607,490**



# 3 OPTIONS FOR CONSIDERATION

## Option 2 Waterfront Parcel

- CFF Request =  
\$500,000
- City Contribution =  
\$25,000
- Total = \$525,000

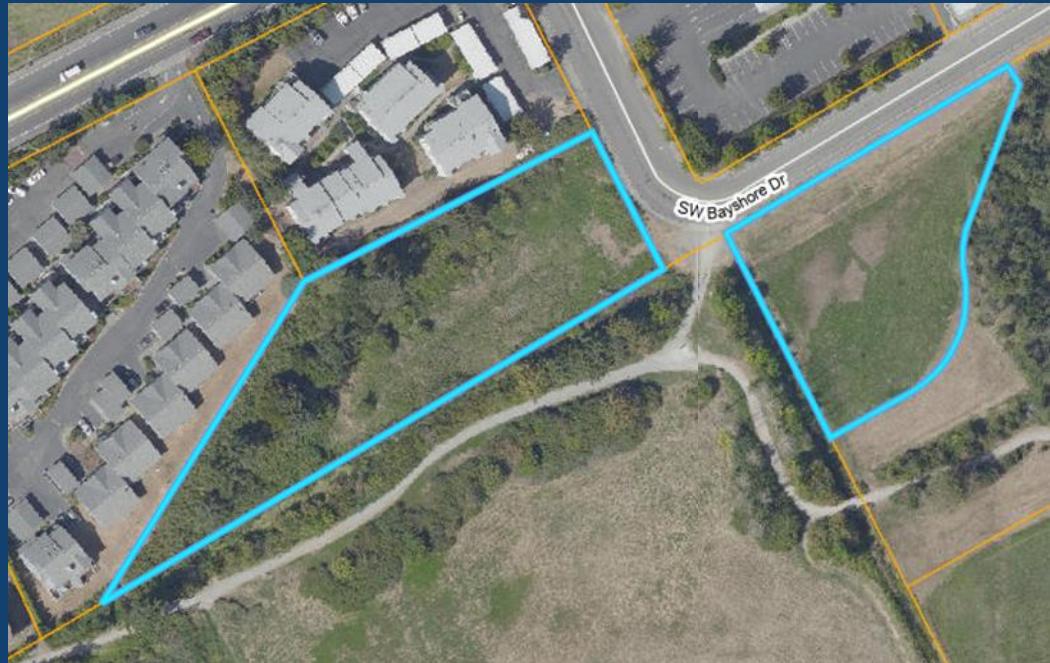


# 3 OPTIONS FOR CONSIDERATION

## Option 3

### Upper Two Parcels

- CFF Request =  
**\$82,500**
- City Contribution =  
**\$25,000**
- Total = **\$107,500**





Questions?





## ISLAND COUNTY COUNTY ADMINISTRATION

### WORK SESSION AGENDA

DATE: 6/21/2023

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To: Janet St. Clair, Chair  
Board of Island County Commissioners  
From: Michael Jones, County Administrator

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Amount of time requested for agenda discussion. 2 hours

#### DIVISION: Diversity Equity Inclusion

Agenda Item No.: 1

Subject: **Language Access Plan**

Description: Discussion of proposed Island County Language Access Plan (LAP)

Attachment: **Language Access Plan Memo**

Attachment A - Proposed Language Access Plan (LAP) for Island County

Attachment B - Interpreting and Translation Services Flyer

**Request:** (Check boxes that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Move to Consent    | <input type="checkbox"/> Move to Regular         |
| <input type="checkbox"/> None/Informational | <input checked="" type="checkbox"/> Discussion   |
| <input type="checkbox"/> Signature Request  | <input checked="" type="checkbox"/> Other: _____ |

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable

#### DIVISION: Administrative

Agenda Item No.: 2

Subject: **Animal Welfare Code Amendment**

Description: Discussion of proposed Island County Title VI Animal Code Amendment

Attachment: **Memo from County Administrator**

Attachment A - Draft Title VI Animal Welfare Code Amendment

Attachment B - Animal Control Funding Analysis

Attachment C - Memo from Planning and Community Development Director

**Request:** (Check boxes that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Move to Consent    | <input type="checkbox"/> Move to Regular         |
| <input type="checkbox"/> None/Informational | <input checked="" type="checkbox"/> Discussion   |
| <input type="checkbox"/> Signature Request  | <input checked="" type="checkbox"/> Other: _____ |

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable

**DIVISION: Administrative**

**Agenda Item No.: 3**

**Subject: RCED Application received from the City of Oak Harbor**

**Description:** Island County has received a 2023 Rural County Economic Development Grant Fund application from the City of Oak Harbor for the N. Whidbey Sewer Expansion Design.

**Attachments:** Submittal Memo from County Administrator dated June 14, 2023

Attachment A: RCED Application from the City of Oak Harbor for the N. Whidbey Sewer Expansion Design

Attachment B: CIP for the N. Whidbey Sewer Expansion,

Attachment C: Concept Map and Analysis – County Zone Colors Section 1 and 2, 2023

Attachment D: Comprehensive Plan for City of Oak Harbor

Attachment E: City Council Minutes from the May 2<sup>nd</sup> 2023 Meeting

Attachment F:PowerPoint Presentation

**Request:** (Check boxes that apply)

- |   |   |
|---|---|
| <input type="checkbox"/> Move to Consent    | <input type="checkbox"/> Move to Regular                      |
| <input type="checkbox"/> None/Informational | <input checked="" type="checkbox"/> Discussion                |
| <input type="checkbox"/> Signature Request  | <input checked="" type="checkbox"/> Other: Direction to staff |

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable



**Island County Administration**  
*Kenesha Lewin – Diversity Equity and Inclusion Manager*

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**M E M O R A N D U M**

June 21, 2023

TO: Board of County Commissioners, BOCC

FROM: Kenesha Lewin, Diversity Equity and Inclusion Manager

RE: Island County Language Access Plan (LAP)  
 Attachment A - Language Access Plan  
 Attachment B - Interpreting and Translation Services

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We have prepared this Language Access Plan (LAP) for the purposes of defining the protocol and procedures taken by the County to ensure meaningful and universal access to Island County services, programs, and activities on the part of persons who self-identify as having limited English proficiency (LEP) or preference for materials and services in a language other than English. Please see the complete cost analysis attached for more details. The LAP is included as Attachment A.

The LAP outlines procedures for staff and LEP people to access language services. It addresses both interpretation (spoken word) and translation (written word).

The LAP is drafted to require a biennial review in order to ensure continued responsiveness to community needs. It also includes a process for filing a complaint.

The US Census reports that Tagalog and Spanish are the most common first languages for LEP people living in Island County. Island County Courts provides language access services somewhat routinely. Anecdotal information from Courts staff reports that Spanish, Tagalog and Japanese are the most frequently requested language services.

We propose expanding the existing contract used by Human Services and Sheriff's Office to provide services at all departments. The cost of expanding access is difficult to estimate because we do not have a clear understanding of unserved demand. However, we have provided an estimate for start-up costs in Attachment B Interpreting and Translation Services. Based on existing usage, unless document translation is heavily used, we anticipate that annual cost for services to be in the range of \$5,000-\$10,000 in the start-up year and \$3,000-\$7,000 thereafter. With heavy document translation usage, the cost could increase dramatically.



# Island County Language Access Plan

## Policy Statement

It is the policy of Island County to ensure meaningful and universal access to Island County services, programs and activities on the part of persons who self-identify as having limited English proficiency in compliance with Title VI of the Civil Rights Act of 1964; 45 C.F.R. § 80 et seq.; 28 C.F.R. § 42 et seq.; and RCW Chapters 2.42 and 2.43. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. All offices of Island County government will post information for members of the public that indicate that language assistance services are available free of charge to LEP persons and that the office will provide these services to them.

Island County defines a Limited English Proficient (LEP) person as someone who is not able to speak, read, write or understand the English language at a level that allows them to interact effectively with County staff. A client maintains the right to self-identify as an LEP person, as well as the right to indicate their language of preference.

The primary goal of the Island County's Language Access Plan around Interpretation Services is to ensure meaningful and accurate language interpretation and translation to members of the population who are Limited English Proficient and/or Deaf or hard of hearing, via use of trained and competent interpreters.

## Purpose and Authority

In accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, this policy establishes guidelines for providing language accessible services to individuals that are LEP and/or Deaf or Hard of Hearing.

Island County has prepared this Language Access Plan (LAP) for the purposes of defining the protocol and procedures taken by the county to ensure meaningful and universal access to Island County services, programs and activities on the part of persons who self-identify as having limited English proficiency or preference for materials and services in a language other than English.

Island County will review and update this LAP, on a biennial (2-year) basis, in order to ensure continued responsiveness to community needs.

# Language Assistance Procedures

## 1. How to determine the need for language assistance

- a. Staff at the initial point of contact will conduct an assessment for the need for language assistance using the “I speak” chart and notify the individual of the right to an interpreter at no cost. The current U.S. Census<sup>1</sup> shows the population of non-English language proficient people, in Island County.
  - Tagalog 0.4%
  - Spanish 0.3%

The most current language needs identified through current services show the following foreign or sign languages that are most frequently used in our county:<sup>2</sup>

- Spanish
  - Tagalog
  - Japanese
- b. Staff members who have subsequent contact will continue to assess the need for language assistance.
    - To assess the need for language assessment, staff should ask open-ended questions, and avoid asking questions that would allow for yes or no responses. For example, asking: “how may I be of assistance?” instead of “do you need help?”
    - The LEP individual may speak more than one language or may have limited proficiency in a secondary language. Staff shall identify the primary language of the LEP individual (using the language access chart), and work to provide language assistance in the primary language of the individual. (See Appendix A.)
    - A Deaf individual may also be LEP and not be proficient in American Sign Language. Staff shall work to identify the primary language of the Deaf individual and provide language assistance in the primary language of the individual. (See Appendix D)
  - c. The LEP individual or companion requests language access assistance.

## 2. Identifying Language

- a. Staff shall request the individual or companion identify the language of the LEP or Deaf individual. See the “I speak card” in Appendix A
- b. Use an “I speak card” or poster to identify the primary language. The staff person should present the “I speak card” to the customer/client.

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<sup>1</sup> [Source: 2018 American Community Survey 5-year Estimates](#)

<sup>2</sup> Island County Courts Language Access Plan and anecdotal information from customer service counter staff

- c. Staff may request bilingual/multilingual staff or volunteers to identify the primary language. Once the language of proficiency has been determined, the staff person shall begin the process to initiate interpretation services. Use in-person, video remote interpreters, or telephonic interpreters to identify the language. (See Section 4, below.)
- d. Staff should determine of the preferred mode of communication for a Deaf or Hard of Hearing individuals is interpretation or Communication Access Realtime Translation (CART). (See Section 5, below.)

## **Process and Outline**

**Island County offers several language access services, including:**

### **1. Written Translation**

**Definition:** Translation is the written or text-based rendering of one language into a second language. Island County's primary goal for translation is to ensure written materials are accessible to a minimum of 90% of the target audience, including residents who have Limited English Proficiency (LEP), and to comply with state and federal language-access regulations. Read in detail in Appendix B.

#### **1.1. Vital Document Translation:**

For the purposes of ensuring language access, “vital documents” are written documents that are essential to effectively access programs, or for limited English proficient populations to understand programs, or both. Examples include notices about the availability of interpreter services, legal documents (consent forms, client rights and responsibilities, privacy notices, complaint forms, grievance policies) and client intake forms, building directional signs, not including road signs. Vital documents will be routinely translated into Spanish and Tagalog upon production or updating of the document.

For documents not routinely available in the requested language, a person may request to have a translated document made available to them. Document translation shall occur during the following maximum time limits under usual circumstances:

The turnaround time for document text translation, will be a maximum of two (2) weeks, but most documents should be turned around within a few (3-4) business days.

Website content should be translated using online capacity of the website. When that is inadequate for effective and accurate translation, manual translation should be completed according to a similar timeframe, as indicated above.

### **2 Interpretation Access:**

**Definition:** Interpretation is the rendering of one spoken or signed language into that of another language. Interpreting requires fully understanding, analyzing, and processing a spoken message and then faithfully rendering it into another spoken or signed language. Interpreters must be able to accurately convey the meaning from one language to another in a culturally appropriate manner, mindful of the setting in which they are rendering their services.

**Plan:** Island County has a defined protocol/process to ensure that people requiring interpretation can communicate with our staff and benefit from our programs.

## **2.1 Telephonic Interpretation:**

**Definition:** Telephonic interpretation means providing oral, real time spoken word translation over the telephone.

If/when anyone who does not speak English calls an Island County office, or program, a qualified interpreter must be contacted to provide real-time interpretation during the call. The goal of Island County telephonic interpretation is to ensure all departmental telephonic communication with the public is accessible to all populations and to comply with federal language access regulations. Read in detail in Appendix C.

## **2.2 TTY-Based Telecommunications:**

**Definition:** TTY-based Telecommunications Relay Services are oral-to-text, or text-to-audible translations of language. They permit persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other devices to call persons with or without such disabilities.

To make using the Telecommunication Relay Service as simple as possible, you can dial 711 to be automatically connected to a TRS communications assistant. It's fast, functional, and free. Dialing 711, both voice and TTY-based TRS users can initiate a call from any telephone, anywhere in the United States, without having to remember and dial a ten-digit access number. See appendix D for more information.

### **Definitions**

- a. *Limited English Proficient individual means any individual whose primary language is not English, and has limited or no ability to speak, understand, read, or write English.*
- b. *Interpretation is the process of orally rendering a spoken or signed communication from one language into another language.*
- c. *Primary language means the language that an individual communicates most effectively in.*
- d. *Translation is converting written text from one language into written text in another language. ‘Translation’ is often misused to mean interpretation, but it is a written medium.*
- e. *A qualified interpreter or translator is a trained professional who is a neutral third party with the requisite language skills, experienced in interpretation or translation techniques, and knowledgeable in specialized content areas and technical terminology in order to effectively facilitate communication between two or more parties who do not share a common language.*
- f. *Simultaneous interpretation is the process of orally rendering one language into another language virtually at the same time that the speaker is speaking with only a very short lag time.*
- g. *Consecutive interpretation is the process of orally rendering one language into another language after the speaker has completed a statement or question and pauses. The interpreter then renders that statement into the other language.*
- h. *Vital Documents are any materials that are essential to an individual’s ability to access services provided by the organization, or are required by law*

## **3 Staff Compliance**

### **3.1 Training**

Staff will receive training on the content of the language access policy; how to identify the need for language access services; working with an LEP and Deaf and hearing-impaired individuals; providing language-accessible service in a culturally sensitive manner; working with an interpreter; and interpretation best practices.

Training efforts will include initial training for new staff on the requirements of the current Language Access Plan provided by the office in which they are employed. Annual training for existing county personnel that provides a refresher, as well as addresses any revisions made to the Plan, will be provided through Human Resources.

### **3.2 Monitoring and Assessment**

1. Supervisors shall be responsible for monitoring compliance with the County's language access policy.
2. The Communication Manager shall collect information on language use and need, including: primary language of clients; use and language of interpretation services; distribution of translated documents; frequency of contact with LEP or Deaf individuals seeking services; and referrals of LEP or Deaf individuals and the language of the referred LEP or Deaf individual.
3. The Board of County Commissioners shall conduct a review every two years on the effectiveness of the language access policy and make changes as needed

## **4 Complaint Process**

A complaint regarding the denial of language accessible services, or regarding the quality of language accessible services, including interpreters or translated materials, may be made in person, or in writing. See appendix E for compliant instructions and form.

The complaint should specify the date, individuals involved, and the nature of the client (i.e. the interpreter was summarizing, or an LEP individual or Deaf individual was denied services because they did not bring their own interpreter).

All complaints will be directed to the County Administrator.

The County Administrator will coordinate with the Department Head and HR/GSA Director. Customers will be notified of the outcome within 30 days upon receipt of the complaint.

Staff will notify LEP individuals of the complaint process upon request.

The complaint process will be included in the posted notification of the right to an interpreter.

## 5 Interpreter and Translator Code of Ethics<sup>3</sup>

It is crucial for interpreters to follow the code of conduct, if you at any time feel these codes are not being adhered to please address your concerns to the Department Director, responsible elected Official, or County Administrator.

Access to an interpreter will be provided through the selected service provider. After the service provider is selected, there will be training and instructional information provided.

### 1. Accuracy

*Source-language speech should be faithfully rendered into the target language by conserving all the elements of the original message while accommodating the syntactic and semantic patterns of the target language. The rendition should sound natural in the target language, and there should be no distortion of the original message through addition or omission, explanation or paraphrasing. All hedges, false starts and repetitions should be conveyed; also, English words mixed into the other language should be retained, as should culturally-bound terms which have no direct equivalent in English, or which may have more than one meaning. The register, style and tone of the source language should be conserved. Guessing should be avoided. Interpreters who do not hear or understand what a speaker has said should seek clarification. Interpreter errors should be corrected as soon as possible.*

### 2. Impartiality and Conflicts of Interest

*Interpreters and translators are to remain impartial and neutral in proceedings where they serve, and must maintain the appearance of impartiality and neutrality, avoiding unnecessary contact with the parties. Interpreters and translators shall abstain from comment on matters in which they serve. Any real or potential conflict of interest shall be immediately disclosed to all parties as soon as the interpreter or translator becomes aware of such conflict of interest.*

### 3. Confidentiality

*Privileged or confidential information acquired in the course of interpreting or preparing a translation shall not be disclosed by the interpreter without authorization.*

### 4. Limitations of Practice

*Interpreters and translators shall limit their participation in those matters in which they serve to interpreting and translating, and shall not give advice to the parties or otherwise engage in activities that can be construed as the practice of law.*

### 5. Protocol and Demeanor

*Interpreters shall conduct themselves in a manner consistent with the standards and protocol of the National Association of Judiciary Interpreters and Translators and shall perform their duties as unobtrusively as possible. Interpreters are to use the same grammatical person as the speaker. When it becomes necessary to assume a primary role in the communication, they must make it clear that they are speaking for themselves.*

### 6. Maintenance and Improvement of Skills and Knowledge

*Interpreters and translators shall strive to maintain and improve their interpreting and translation skills and knowledge.*

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<sup>3</sup> National Association of Judiciary Interpreters & Translators, Code of Ethics and Professional Responsibilities. Available at [www.najit.org/about/NAJITCodeofEthicsFINAL.pdf](http://www.najit.org/about/NAJITCodeofEthicsFINAL.pdf).

## **7. Accurate Representation of Credentials**

*Interpreters and translators shall accurately represent their certifications, accreditations, training and pertinent experience.*

## **8. Impediments to Compliance**

*Interpreters and translators shall bring to the county's attention any circumstance or condition that impedes full compliance with any Canon of this Code, including interpreter fatigue, inability to hear, or inadequate knowledge of specialized terminology, and must decline assignments under conditions that make such compliance patently impossible.*

## Appendix A

 <h1>Your Right to an Interpreter</h1>		<p><b>You have the right to an interpreter at no cost to you. Please point to your language. An interpreter will be called. Please wait.</b></p>
<p><i>Albanian</i></p> <p><b>Shqip</b></p> <p>Keni të drejtën për përkthyes falas gjatë vizitës mjekshore. Ju lutem tregoni me gisht gjuhën që flisni. Ju lutem prisni, do t'ju gjemjë një përkthyes për viziten mjekësore.</p>	<p><i>Amharic</i></p> <p><b>አማርኛ</b></p> <p>የለምናም መፈፀም አስተርጓም የሚኖርና መገኘት አለምና:: የሚኖሩትንና የሚረዳውና ቋንቋ በመጠቀም የመልከተ:: አስተርጓም እስከጠረና ይረጋገጫ እስከም ይታገኗ::</p>	<p><i>Arabic</i></p> <p><b>عربى</b></p> <p>يحق لك طلب مترجم مفوري دون أي مقابل. يرجى منك أن تشير بخط عريض إلى لغتك. ينصح بعد ذلك مترجم له مدعى يُرجى منك نتظر حتى تدع المترجم.</p>
<p><i>Armenian</i></p> <p><b>Հայերեն</b></p> <p>Դուք իրավունք ունեք առանց որևէ վճարի թարգմանիչ ունենալ: Խնդրում ենք մատնանշեք ձեր լեզուն և ձեր համար թարգմանիչ կլանչենք: Խնդրում ենք սպասեք:</p>	<p><i>Bengali</i></p> <p><b>বাংলা</b></p> <p>আপনার অধিকার রয়েছে বিনামূলে একজন দোভাষী পাওয়ার। অনুগ্রহ করে আপনার ভাষা কোনটি তা দেখিয়ে দিন। একজন দোভাষীকে ডাকা হবে। অনুগ্রহ করে অপেক্ষা করুন।</p>	<p><i>Cape Verdean Creole</i></p> <p><i>Criolu di Cabu Verdi</i></p> <p>Nhôs tem direito a um intérprete gratuito di nhôs língua. Mostra qual qui nhôs língua pa nô podi tchoma intérprete. Nhôs aguarda um momento, por favor.</p>
<p><i>Chinese - Simplified</i></p> <p><b>中文</b></p> <p>Contonese   Mandarin   Toisanese   Taiwanese/Fukienese   Min 广东话   国语   台山话   台湾语/福建话   闽语</p> <p>你有权利要求一位免费的传译员。请指出你的语言。传译员将为你服务，请稍候。</p>	<p><i>Chinese - Traditional</i></p> <p><b>中文</b></p> <p>Contonese   Mandarin   Toisanese   Taiwanese/Fukienese   Min 廣東話   國語   台山話   台灣語/福建話   閩語</p> <p>你有權利要求一位免費的傳譯員。請指出你的語言。傳譯員將為你服務，請稍候。</p>	<p><i>Dari</i></p> <p><b>دری</b></p> <p>شم حق دایکه‌ی کمتر جماعت شده باشی‌د بدون آن کیپولی بیلبت آن بدید. طف‌آب‌زبان خوداش ارکه‌ید. یک مترجم رایتان در خواست خواهید. طف‌آن تظمیم‌لئنید.</p>
<p><i>French</i></p> <p><b>Français</b></p> <p>Vous avez droit gratuitement aux services d'un interprète. Veuillez indiquer votre langue. Nous allons contacter un interprète. Veuillez patienter si'il vous plaît!</p>	<p><i>German</i></p> <p><b>Deutsch</b></p> <p>Sie haben kostenlosen Anspruch auf eine/n Dolmetscher/in. Bitte deuten Sie auf Ihre Sprache. Ein/e Dolmetscher/in wird gerufen. Bitte warten Sie.</p>	<p><i>Greek</i></p> <p><b>Ελληνικά</b></p> <p>Είναι δικαίωμά σας να χρησιμοποιήσετε διερμηνέα χωρίς καμία χρηματική επιβάρυνση. Σας παρακαλούμε, υποδείξτε τη γλώσσα που μιλάτε. Θα ειδοποιήσουμε ένα διερμηνέα. Παρακαλώ περιμένετε.</p>

<p><i>Haitian Creole</i></p> <p><b>Kreyòl Ayisyen</b></p> <p>Ou gen dwa a yon entèprèt gratis. Tanpri montre nou lang pa w la. N ap rélé yon entèprèt pou ou. Tanpri ret tann.</p>	<p><i>Hebrew</i></p> <p><b>עברית</b></p> <p>יש לך את הזכות למתורגמן ללא כל עלות לך. אתה הצעיר על השפה שלך. המתרגם ייקרא. אתה המtan.</p>	<p><i>Hindi</i></p> <p><b>हिंदी</b></p> <p>आपको बिना कोई शुल्क दिए दुभाषिया सेवा पाने का अधिकार है। कृपया अपनी भाषा को इंगित करें। दुभाषिया को बुलाया जाएगा। कृपया प्रतीक्षा करें।</p>
<p><i>Hmong</i></p> <p><b>Hmoob</b></p> <p>Koj muaj cai txais kev pab txhais lus dawb tsis them nyiaj. Thov taw tes rau koj hom lus nov. Mam hu tus txhais lus. Thov nyob tos.</p>	<p><i>Italian</i></p> <p><b>Italiano</b></p> <p>Avete diritto ad un interprete. Il servizio è gratuito. Indicate la vostra lingua e attendete; un interprete sarà chiamato al più presto.</p>	<p><i>Japanese</i></p> <p><b>日本語</b></p> <p>通訳を無料でご利用になれます。該当する言語を指示して下さい。通訳を手配いたしますのでお待ち下さい。</p>
<p><i>Khmer</i></p> <p><b>ខ្មែរ</b></p> <p>សាស្ត្រខ្មែរ- សាស្ត្រខ្លែនខ្មែរបកប្រែបែងអភិវឌ្ឍន៍ សូមមេត្តាបន្ទាល់នៅការសារបស់សាស្ត្រខ្មែរ គឺនឹងការ: សាស្ត្រខ្មែរបកប្រែម្នាក់មក។ សូមមេត្តាដែលបាន</p>	<p><i>Korean</i></p> <p><b>한어</b></p> <p>여러분은 무료로 전문 통역자의 도움을 받을 권리가 있습니다. 왼쪽의 “한국어”를 손가락으로 가르켜 주십시오. 전문 통역자에게 연결될 것입니다. 잠시만 기다려 주십시오.</p>	<p><i>Laotian</i></p> <p><b>ລາວ</b></p> <p>ທ່ານມີສິດຂ່າຍລະບົບພາສາໄດ້ລົບໜັງຄ່າ. ກະຊຸມໃຈ້ວ່າພາສາຂອງທ່ານ. ນາຍພາສາລະຖິກເຂັ້ມງາ. ກະຊຸມກ່ອນ.</p>
<p><i>Persian</i></p> <p><b>ارسی</b></p> <p>شما حق دایی که هی کمتر رج маш تعباشی بدو نان که بولیلی بت آن بدهی لی طف اب فی بان خود ش اره بی دی که مترجم بیلیت ان در خ اس ت خ و اهش لی طف من ت ظریم اری د.</p>	<p><i>Polish</i></p> <p><b>Język Polski</b></p> <p>Macie prawo do korzystania z usług polskiego tłumacza. Usługa ta jest na nasz koszt. Proszę wskazać swój język. Proszę czekać. Łączymy z tłumaczem.</p>	<p><i>Portuguese</i></p> <p><b>Português</b></p> <p>Você tem o direito a um intérprete de graça. Por favor aponte para a língua que você fala. Um intérprete será chamado. Por favor espere.</p>
<p><i>Russian</i></p> <p><b>Русский</b></p> <p>Вы имеете право на услуги бесплатного переводчика. Укажите, пожалуйста, на Ваш язык. Переводчик будет вызван. Пожалуйста, подождите.</p>	<p><i>Serbo-Croatian</i></p> <p><b>Srpsko-Hrvatski jezik</b></p> <p>Vi imate pravo na besplatnog prevodioca. Molimo vas da pokažete na vaš govorni jezik. Prevodilac ce biti pozvan. Hvala i molimo vas da sačekate.</p>	<p><i>Somali</i></p> <p><b>Soomaali</b></p> <p>Waxaad xaq u leedahay in tarjumaan lacag la'aan ah laguugu yeero. Fadlan farta ku fiiq luqaddaada. Tarjumaan ayaa laguugu wacayaa. Ee fadlan sug!</p>
<p><i>Spanish</i></p> <p><b>Español</b></p> <p>Usted tiene derecho a un intérprete gratis. Por favor, señale su idioma y llamaremos a un intérprete. Por favor, espere.</p>	<p><i>Swahili</i></p> <p><b>Swahili</b></p> <p>Ni haki yako kuwa na mtafsiri bila malipo yoyote. Tafadhalii chagua lugha yako kati ya hizi. Mtafsiri ataitwa. Tafadhalii ngoja.</p>	<p><i>Tagalog</i></p> <p><b>Tagalog</b></p> <p>Ikaw ay may karapatan na magkaroon ng tagapagsalin na walang bayad. Ituro ang iyong wika. Ang tagapagsalin ay tatawagin. Maghintay.</p>

<p>Thai</p> <p><b>ไทย</b></p> <p>ท่านมีสิทธิ์ขอلامแปลภาษาโดยไม่เสียค่าใช้จ่ายใดๆ กรุณารายห์ที่ภาษาของท่าน กรุณารอสักครู่ เราชาระที่จะรีบกล่าวให้ท่าน</p>	<p>Ukrainian</p> <p><b>Українська</b></p> <p>У Вас є право на безплатного перекладача. Будь ласка, вкажіть на Вашу мову, і Вам покличуть перекладача. Почекайте, будь ласка.</p>	<p>Urdu</p> <p><b>اردو</b></p> <p>آپسے ترجمان کی خدمت کے حقوق ہیں۔ براہ کم اپنی زبان کی طرف اشکریتی۔ آپ کے لئے ایک ترجمان کا ان تظلیمی ایچی گ براہ کرم تظلیمی جئے۔</p>
<p>Vietnamese</p> <p><b>Tiếng Việt</b></p> <p>Quý vị có quyền được một thông dịch viên miễn phí. Xin chỉ vào ngôn ngữ của quý vị. Chúng tôi sẽ gọi một thông dịch viên. Vui lòng chờ trong giây lát.</p>		



# Island County

## Language Identification Guide



Your Right to an Interpreter Point to your language. An interpreter will be called.  
The interpreter is provided at no cost to you.

Language	Translation
English	If you have difficulty understanding English or have a disability, free language assistance or other aids and services are available upon request. Please call:
Albanian	Nëse nuk e kuptioni gjuhën angleze ose keni aftësi të kufizuara, sipas kërkesës shërbimi gjuhësor ose ndihma dhe shërbime të tjera do t'ju ofrohen pa pagesë. Ju lutemi telefononi:
Amharic	እንግሊዘኛ ቁንቃኛ ምረዳት የሚችል ከሆነ ወይም የአክል ገዢት ከለባም፡ እና የቁንቃኛ እንደሆነ ምረዳት ለአገልግሎት በሚጠይቷል ተቀባዩ፡ እንደሆነ ይችላል፡፡ እስከምን ይችላል፡፡
Arabic	إذا كنت تواجه صعوبة في فهم اللغة الإنجليزية أو كنت تعاني من إعاقة ما، توفر المساعدات اللغوية أو غيرها من المساعدات والخدمات مجاناً عند الطلب. يرجى الاتصال على الرقم:
Armenian	Եթե դուք դժվարությամբ եք հասկանում անգլերենը կամ ուսեք հաշմանդամություն, անվճար լեզվական օգնություն կամ այլ օժանդակ միջոցներ եւ ծառայություններ հասանելի են ըստ պահանջի: Խնդրում ենք զանգահարել հետեւյալ հեռախոսահամարով՝
Bengali	যদি আপনার ইংরেজি বুঝতে অসুবিধা হয় অথবা যদি আপনি বুঝতে অক্ষম হয়ে থাকেন, তাহলে অনুরোধের ভিত্তিতে বিনামূল্যে ভাষা সহায়তা অথবা অন্যান্য সাহায্য ও পরিষেবা উপলব্ধ আছে। অনুগ্রহ করে কল করুন:
Bosnian	Ako imate poteškoća s razumijevanjem engleskog jezika ili ako imate invalidnost, besplatna jezička pomoć ili druge vrste pomoći i usluge vam stoje na raspolaganju na zahtjev. Molimo vas nazovite:
Burmese	သင့်အနေဖြင့် အင်္ဂလိပ် စကားကို နားလည်ရန် အခက်အခဲ ရှိပါက သို့မဟုတ် မသန့်စွမ်းမှ တစ်ခုခု ရှိပါက ဘာသာစကား အခဲ့ အကူအညီ သို့မဟုတ် အခြား အကူအညီနှင့် ဝန်ဆောင်မှုများကို တောင်းခဲ့ ရယူနိုင်သည်။ ကျေးဇူးပြု၍ ခေါ်ဆိုပါ -
Chinese S	如果您理解英语有困难或有残疾，可应要求提供免费语言援助或其他帮助和服务。请致电：
Chinese TR	如果您理解英語有困難或有殘疾，可應要求提供免費語言援助或其他幫助和服務。請致電：
Croatian	Ako imate poteškoća s razumijevanjem engleskog ili imate invaliditet, besplatna jezična pomoć ili druga pomagala i usluge dostupni su na zahtjev. Molimo vas da nazovete:
Dari	اگر شما در فهمیدن انگلیسی مشکل دارید و یا معلوم می-باشید، کمک-های زبانی رایگان و یا دیگر کمک-ها و خدمتگزاریها بهنگام درخواست برای شما فراهم خواهد شد. مهربانی کنید تلفن بزنید.
Farsi	اگر از درک زبان انگلیسی با مشکل مواجهید یا از درک آن عاجز هستید، کمک های زبانی بصورت مجانی یا سایر کمک ها و خدمات در دسترس هستند. لطفاً تماس بگیرید:
French	Si vous avez des difficultés à comprendre l'anglais ou si vous souffrez d'un handicap, une assistance linguistique gratuite ou d'autres aides et services sont disponibles sur demande. Veuillez appeler :
French Creole	Si ou gen difikilte pou konprann anglè oswa ou gen yon andikap, asistans lengwistik gratis oswa lòt èd ak sèvis disponib sou demann. Tanpri rele:





<b>Urdu</b>	اگر آپ کو انگریزی سمجھنے میں مشکل پیش آتی ہے یا کسی معدوری کا سامنا ہے، تو درخواست کرنے پر زیان کی مفت معاونت یا دیگر امداد اور سروسز دستیاب ہیں۔ براہ کرم کال کریں:
<b>Vietnamese</b>	Nếu quý vị gặp khó khăn trong việc hiểu tiếng Anh hoặc bị khuyết tật, hỗ trợ ngôn ngữ miễn phí hoặc các hỗ trợ và dịch vụ khác được cung cấp theo yêu cầu. Xin gọi:
<b>Yiddish</b>	אָויב אַיר האָט שׂוועריגֿיַיט צּוֹ פֿאַרְשְׁטַיַּין עַבְגָּלִישׁ אַדְעָר האָט אַ דִּיסָּאַבְּלִיטִי, קַעַנְטַ אַיר פֿאַרְלָאַגְּגָעַן אַזּוֹ בְּאַקְוּמָעַן הַלְּפִי מִיטּ שְׁפְּרָאַךְ אַדְעָר אַנְדְּעָרַע הַלְּפִי-סְ-מִיטְלָעַן פֿאַר אַוְמְזִיסְטַּה. בִּיטּעַ רַופְּטַ אָזּוֹ:
<b>Yoruba</b>	Tí o bá ní ìnira láti gbó èdè Gẹẹsì tàbí o ní àìlera kan, ìrànlówó èdè lófèé tàbí àwọn ìrànlówó àti iṣé ìtójú míràn wà tí a bá békèrè fún u. Jòwó pe:
<b>Swahili</b>	Ikiwa una ugumu wa kuelewa Kiingereza au una ulemavu, usaidizi wa lugha bila malipo au usaidizi na huduma zingine zinapatikana unapoombwa. Tafadhali piga:
<b>Kinyarwanda</b>	Niba ufile ikibazo cyo kumva Icyongereza cyangwa ufile ubumuga, ubufasha mu by'indimi bw'ubuntu cyangwa ubundi bufasha na serivisi birahari bisabwe. Hamagara:



## Appendix B

### Written Translation

**Definition:** Translation is the written or text-based rendering of one language into a second language. Island County's primary goal for translation is to ensure written materials are accessible to a minimum of 90% of the target audience, including residents who have Limited English Proficiency (LEP), and to comply with state and federal language-access regulations.

**Plan:** Departments will identify, translate and make accessible in various formats, including print and electronic media, vital documents in languages other than English. Determination of vital documents for translation is done within the Commissioner's Office. In most cases, vital documents are at a minimum translated into Tagalog and Spanish the second most common language in the County.

**When determining translation languages there are four factors that are in play for prioritizing languages:**

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or issue;
- (2) The frequency or likelihood that LEP individuals will come in contact with or be impacted by the program or issue;
- (3) The nature and importance of the program or issue to people's lives; and
- (4) The resources available.

All translation projects are executed under the direction of the Communications Manager. Translation guidelines are followed by all Island County public-facing Departments such as the Department of Health, Human Services, Planning, Public Works, and applied to all County-sponsored print materials, including but not limited to:

- |                  |                 |               |
|------------------|-----------------|---------------|
| • Brochures      | • Consent forms | • Fact sheets |
| • Flyers         | • Posters       | • Data Briefs |
| • Press releases | • Surveys       | • Other forms |



## Appendix C

### Telephonic Interpretation

**Definition:** If/when anyone who does not speak English calls an Island County office, or program, a qualified interpreter must be contacted to provide real-time interpretation during the call. The goal of Island County telephonic interpretation is to ensure all departmental telephonic communication with the public is accessible to all populations and to comply with federal language access regulations.

**Plan:** To ensure that telephonic interaction with the public is accessible to all residents, regardless of their ability to speak English.

**To establish an account with the recommended TIS services provider follow the steps below:**

- Include costs for telephonic interpreter services in their budget plans to the best of your knowledge and anticipation of usage.
- Open a TIS account with the selected service provider.
- Train staff on TIS procedures
- Include TIS availability on print materials
- Attend periodic refresher training

**Any Island County staff person who answers the telephone will be trained and expected to access instant telephonic interpreter services (TIS), as needed, by following this simple protocol:**

- Hand one of the double handsets to the customer or place the caller on hold
- Call the TIS provider and state your department's account name and access number
- Ask for the language you need (if you know it) and they will connect you to an interpreter
- When you have the interpreter, conference with the caller or start the conversation
- If you don't know which language is needed, refer to the I Speak chart
- These services will be made readily available to non-English speaking residents of Island County.

**NOTE:** Department programs that receive a high call volume from the public are required to set up a TIS account or contract with the county-approved provider.

Contact information for the service provider chosen by the BOCC will be in the approved LAP with further instructions.

## Appendix D

### 711 for Telecommunications Relay Service

TTY-based Telecommunications Relay Services permit persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with or without such disabilities. To make using TRS as simple as possible, you can dial 711 to be automatically connected to a TRS communications assistant. It's fast, functional and free. Dialing 711, both voice and TTY-based TRS users can initiate a call from any telephone, anywhere in the United States, without having to remember and dial a ten-digit access number.

#### Dial 711 using private branch exchanges and VoIP

FCC rules require all telephone companies that operate private branch exchanges (PBXs) - a private telephone system within an organization - to implement three-digit 711 dialing for access to TRS. This includes wireline, wireless and payphone providers. PBX operators are required to modify their equipment to enable 711 dialing to ensure everyone has easy access to TRS.

Callers from locations served by PBXs may be required to dial 9 or another prefix before entering the 711 code or placing an outside call.

Providers of interconnected Voice over Internet Protocol (VoIP) service also must offer 711 dialing service.

#### 911 calls

The Americans with Disabilities Act requires that people with disabilities who use TTYs or other devices have direct, equal access to emergency response services. In the event of an emergency, TTY users should call 911 directly and not make a TTY-based TRS call via 711.

#### Other forms of TRS

711 dialing access does not work for Video Relay Service (VRS), Internet Protocol Relay (IP Relay), or IP Captioned Telephone Service (IP CTS) calls, because such calls are initiated through the Internet. Individuals calling a VRS, IP Relay, or IP CTS user should call their party directly, and a communications assistant will be automatically connected to the call.

711 dialing access also does not work for Captioned Telephone Service (CTS). Individuals calling a two-line CTS user should call their party directly. Individuals calling a one-line CTS user will need to dial a toll-free CTS number before connecting to the user.

## More information on TRS

For more information about the various types of TRS, see the FCC's consumer guide [www.fcc.gov/guides/telecommunications-relay-service-trs](http://www.fcc.gov/guides/telecommunications-relay-service-trs)

or visit the website of our Disability Rights Office [www.fcc.gov/accessibility](http://www.fcc.gov/accessibility)

## Filing a complaint

You have multiple options for filing a complaint with the FCC:

- File a complaint online at <https://consumercomplaints.fcc.gov>
- By phone: 1-888-CALL-FCC (1-888-225-5322); TTY: 1-888-TELL-FCC (1-888-835-5322); ASL: 1-844-432-2275
- By mail (please include your name, address, contact information and as much detail about your complaint as possible):

Federal Communications Commission  
Consumer and Governmental Affairs Bureau  
Consumer Inquiries and Complaints Division  
45 L Street NE  
Washington, DC 20554

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Federal Communications Commission · Consumer and Governmental Affairs Bureau 45 L Street NE, Washington, DC 20554

1-888-CALL-FCC (1-888-225-5322) · TTY: 1-888-TELL-FCC (1-888-835-5322) · [www.fcc.gov/consumer-governmental-affairs-bureau](http://www.fcc.gov/consumer-governmental-affairs-bureau)

## Alternate formats

To request this article in an alternate format - braille, large print, Word or text document or audio - write or call us at the address or phone number at the bottom of the page, or send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov).

Last Reviewed: 10/05/21

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Federal Communications Commission · Consumer and Governmental Affairs Bureau 45 L Street NE, Washington, DC 20554

1-888-CALL-FCC (1-888-225-5322) · TTY: 1-888-TELL-FCC (1-888-835-5322) · [www.fcc.gov/consumer-governmental-affairs-bureau](http://www.fcc.gov/consumer-governmental-affairs-bureau)



## Appendix E

### Island County Language Access Plan LAP Complaint Form

#### LAP Complaint Form Instructions

If you feel you did not receive appropriate interpreter services at an Island County office, you may submit a complaint to the County administrator's office. Complaints must be filed within 60 days of the alleged occurrence, must be in writing, and must be signed.

Within 30 days of receiving the complaint, the County administrator's office will investigate the complaint and inform the complainant of the outcome of the investigation. The complaint must include the following information:

1. Name and contact information of the complainant or their designee. If a designee is named, please indicate if the response should go to the complainant, the designee, or both.
2. A clear and brief description of the complaint, including date(s) and time(s) of the occurrence(s). The description should include relevant facts that support the complaint that the court did not provide language access services.
3. If possible, the complaint should identify the section(s) of the county's Language Access Plan, alleged to have been violated.

The complaint may be submitted by email or by mail.

By Mail:

By Email: [michael.jones@islandcountywa.gov](mailto:michael.jones@islandcountywa.gov)

County Administrator  
1 NE 7<sup>th</sup> St  
Coupeville, WA 98239



# Island County Language Access Plan

## LAP Complaint Form

**Complainant Name** \_\_\_\_\_

Designee Name (if applicable): \_\_\_\_\_

**Designee Relationship to Complainant (if applicable):** \_\_\_\_\_

**Please contact (mark one):** Complainant Designee

**Contact Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

Detailed description of specific complaint: (Include all known details such as date(s), location(s), circumstance(s), person(s) involved, witness(es), etc. Use additional paper, if necessary. Attach any other information you believe is pertinent.)

Remedy requested: (Use additional paper, if necessary.)

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Signature \_\_\_\_\_ Date \_\_\_\_\_

# Interpreting and Translation Services

Analysis of start-up and ongoing costs of adding service across Island County



Four Island County departments have access to interpreting and translation services. 18 Island County departments do not. We estimate that we will need at least 18 phones.

## Cost for dual-handset portable phones

18 phones x \$85 each = \$1,530

The phones can also be leased.



Based on 2022 actual numbers, the Island County Sheriff's Office used 144 minutes and Human Services used 600 minutes of interpreting services. At a negotiated government rate of \$.74 a minute for the 20 top most popular languages spoken the chart below shows the costs.

Island County Department	Minutes Used in 2022 for Interpreting Services	Cost @ \$.74 a Minute (for Top 20 Languages)
Sheriff's Office	144	\$106.56
Human Services	600	\$444.00



## Translation Services

Translation services for written documents at \$.15 a word (this document would've cost \$25.50 had it been translated). Island County could have 100's of documents to translate. There will be one-time and on-going translation costs.



## Island County Administration

*Michael Jones, MPA – County Administrator*

1 NE 7<sup>th</sup> Street, Coupeville, WA 98239

Ph: Whidbey 360-679-7331 | Camano 360-387-3443 | S Whidbey 360-321-5111

Email: Michael.jones@islandcountywa.gov | www.islandcountywa.gov

## M E M O R A N D U M

June 21, 2023

TO: Board of Island County Commissioners  
 FROM: Michael Jones, County Administrator  
 CC: Greg Bank, Prosecuting Attorney  
 Rick Felici, Sheriff

RE: **Study Session Report Back on Proposed Title VI – Animals code amendment**

Attachments: Attachment A – **Draft Title VI – Animal Welfare**  
 Attachment B – **Animal Control Funding Analysis**  
 Attachment C – **Title XVII Update Memo**

This memo responds to questions or comments from the Board of County Commissioners which came forward at the May 17, 2023 work session.

There are three proposed changes to the draft code (Attachment A). Those are as follows:

1. Due to the comments noted in “Reimbursement for Care – Due Process Concern,” Section 6.40.060 it has been amended in the current draft.
2. The definition of animal welfare has been proposed for revision by the Prosecuting Attorney. The revised definition (below) has been included in the revised draft.
3. In the prior draft, Section 6.08.150 “Grounds for seizure and impound” referred only to the RCW regarding the determination of animal cruelty. To be more inclusive and address the behavior included in the proposed definition of “animal cruelty,” a change has been made to proposed Section 6.08.150 to be inclusive of the RCW’s and the proposed ICC’s definition of animal cruelty.

---

### Question about the Washington Administrative Code

The WAC that was asked about in the work session relates to workers compensation classification. It does not regulate the care and treatment of animals or the physical aspects of kennels. See WAC section below:

**WAC 296-17A-7308**

**Classification 7308.**

### **7308-05 Pet breeding and boarding kennels**

Applies to establishments primarily engaged in boarding pets while their owners are away from home, or in boarding pets for others in connection with a breeding service. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, sheltering, tending, breeding, grooming and feeding animals, erecting or mending fences, erecting or maintaining kennels, cleaning kennels, and veterinary services and the incidental sale of animals, animal grooming or care supplies when performed by employees of an employer subject to this classification.

This classification excludes pet grooming parlors which are to be reported separately in classification 7308-03 and contractors hired by a farm operator to build or repair fences or structures who are to be reported separately in the applicable construction classification.

---

### **Hearing Examiner for Appeals**

As discussed, the draft code adds a new decision-making authority to the Hearing Examiner. The question was raised whether this is appropriate or not, and what alternatives might exist. Whether or not it is appropriate is primarily a policy decision. These are some things to consider in that policy decision.

Hearing Examiners are separated from the administrative/executive branch of government. While not in fact judges, and not part of the judicial branch, they are at arm's length from the executive officers and provide a check to executive power. They hold quasi-judicial hearings and decide matters based on facts and the law.

Alternatives to a Hearing Examiner hearing appeals are:

- Sending appeals directly to Court to be heard by a Judge.
- Sending appeals to a legislative decision-making authority. In our case that would be the Board of County Commissioners.

The County does not have any other hearing bodies that would be appropriate due to their focus based on the authorizing legislation or resolution. For example, the Planning Commission is limited to certain land use authority by Revised Code of Washington (RCW) and Island County Code (ICC). The Board of Equalization is limited to hearing property assessment appeals by RCW and ICC.

The person who serves as Hearing Examiner can have a wide range of education, experience and skills. They are typically an attorney, but not always. They may also serve as a contracted Municipal Court Judge. They may be a land use professional, such as a professor with expertise in land use and planning. It should not be assumed that a person serving as a Hearing Examiner does not have the skills to interpret facts, interpret the law, and listen to testimony on various aspects of the law. While the County is contracting for a Hearing Examiner we must ensure we hire for the needed skill set.

**Table 1 – Kennel Licensing and Appeal Authority**  
**Comparison of 13 Washington Counties with Kennel Licensing**

County Name	LICENSING		APPEAL AUTHORITY		
	Commercial Kennels	Non-Commercial Kennels	Hearing Examiner	Court	Other
<b>Chelan</b>	Non-specific kennel type			X	
<b>Clallam</b>	X	X		Court (2nd)	Director (1st)
<b>Clark</b>	X	X	X		Animal Control Advisory Board Hearing Tribunal
<b>Cowlitz</b>	X	X		X	
<b>Douglas</b>	X	X		X	
<b>Jefferson</b>	X	X		X	
<b>King</b>	X	X	X		
<b>Kitsap</b>	X	X		X	
<b>Skagit</b>	X	X		X	
<b>Skamania<sup>1</sup></b>	X			X	
<b>Snohomish</b>	X	X	X		
<b>Spokane</b>	X	X	X		
<b>Thurston</b>	X	X	X		

Notes:

1 Anyone with 3 or more dogs is presumed to own dogs for commercial purposes. No provision for non-commercial kennels.

---

### Coordination with Land Use Code

One of the Board comments was related to work that might need to be done to ensure that this proposed code amendment is coordinated with existing ICC land use requirements/limits.

In ICC Title 17, kennels are defined as follows:

**Kennel** means the boarding, breeding, keeping or training places or the keeping or raising of five (5) or more household pets, at least six (6) months of age, which are owned by persons other than the owner of the property, may be permitted as a home industry. A kennel shall not include animal hospitals or veterinary clinics.

There are two important things to note related to this definition. First, it does not apply to Title VI, Animals. Second, it specifies “owned by persons other than the owner of the property;” therefore, it does not relate to non-commercial kennels. It is worth noting that the Title 17 definition and the proposed Title 6 definition both refer to five or more dogs. However, there is a disparity in that only the Title 6 definition includes cats.

It is not an automatic requirement that the provisions of Title 6 must be consistent with Title 17. However, it avoids potential confusion if they are the same. The Board should decide if two standalone definitions for two different purposes are acceptable. If not, then the definitions need to be made identical or one definition needs to apply throughout the ICC. This will also involve a decision whether or not to add cats to the provisions of Title 17 when a common definition is adopted, or to eliminate cats from the Title 6 definition of commercial kennel and thereby not regulate the keeping of cats.

Adopting a common definition for Title 6 and Title 17 would also have the effect of either not regulating a person breeding pets for sale under Title 6 or adding regulation of that activity under Title 17. The phrase “owned by persons other than the owner of the property” currently excludes a person who breeds dogs they own and sell the puppies. This is a clear difference between Title 6 (as proposed) and Title 17.

---

### **Private Kennels**

“Private kennels” are added as a licensed facility in the proposed code amendment. Private kennels are essentially and large accumulation of cats and/or dogs on one property. The purpose of the animals is not a part of the regulatory scheme. They can be kept as pets. They can be temporarily housed or fostered with the intent of locating permanent placement. It could be hobby animal breeding where the pets are not being sold. The definition is as follows:

Private Kennel means any location where more than ten (10) adult dogs, ten (10) adult cats, or a combination thereof, are kept for personal, non-commercial purposes where the owner(s) does not receive compensation. This definition shall include but not be limited to non-profit animal rescues, shelters, sanctuaries, etc. Animal shelters owned, operated or maintained under contract to the county, pet shops, and veterinary clinics or hospitals where boarding is incidental to treatment are not private kennels.

At the study session there were two discussion items related to private kennels: There was a discussion about the name. There was a discussion about the threshold number of animals.

The name can be changed to anything the Board deems appropriate. “Non-commercial kennel” may be a preferred name.

The number of animals can be adjusted. Currently, we propose “more than ten (10).” It may be that six, eight, or twelve might be the right threshold for Island County. The key issue is that large numbers of animals kept in one place can lead to an increased risk of inadequate care, and the code purpose is to avoid that. Additionally, large numbers of animals being kept may actually be a commercial venture, and in order to more effectively identify commercial ventures that are intentionally or unintentionally flying under the radar, a mandatory check-in at a certain animal threshold is part of the code proposal.

---

## Definition of Animal Welfare

The proposed definition of “animal cruelty,” has been changed to be inclusive of the RCW’s and the proposed ICC’s definition of animal cruelty. The new definition reads as follows:

**Animal Cruelty** means any of the following:

1. Intentionally inflicting substantial pain or causing physical injury to an animal; or
  2. Intentionally killing an animal by a means causing undue suffering or while manifesting an extreme indifference to life; or
  3. Intentionally forcing a minor to inflict unnecessary pain, injury or death on an animal; or
  4. With criminal negligence, starving, dehydrating or suffocating an animal; or
  5. With criminal negligence, and in consideration of the animal’s species, breed, age, health, medical condition and physical characteristics, exposing an animal to excessive heat or cold and as a result causes either (i) substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or (ii) death; or
  6. Knowingly engaging in sexual conduct or sexual contact with an animal; or
  7. Knowingly permitting any human sexual conduct or sexual contact with an animal to be conducted on any premises under a person’s charge or control; or
  8. Knowingly engaging in, organizing, promoting, conducting, advertising, aiding, abetting, participating in as an observer, or performing any service in the furtherance of an act involving any human sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or
  9. Knowingly photographing or filming, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal; or
  10. Knowingly, recklessly, or with criminal negligence inflicting unnecessary suffering or pain upon an animal; or
  11. Knowingly, recklessly, or with criminal negligence failing to provide an animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or
  12. Knowingly, recklessly, or with criminal negligence abandoning an animal.
- 

## Reimbursement for Care – Due Process Concern

The Prosecuting Attorney raised a concern about possible a due process violation resulting from this code section:

### **6.40.060 Reimbursement for Care**

Any person who owns animals that are seized and/or impounded pursuant to this chapter shall reimburse animal shelter, humane society or animal rescue organization(s) for costs as permitted pursuant to this chapter.

Section 6.08.155 includes a requirement for bonding for care as established by RCW 16.52.085(4). A court would decide if the bond were converted to reimbursement or returned following a decision by the court of guilty or not guilty. Section 6.40.060 is intended to reinforce the authority to require reimbursement, not to mandate it when a person is found not guilty. We’ve developed this alternative language:

#### **6.40.060 Reimbursement for Care**

Where an animal is seized or impounded pursuant to this Title, and where a judicial officer or hearing examiner finds that a violation of this Title has occurred, any shelter, humane society or animal rescue organization who shelters or cares for seized or impounded animals shall be entitled to be reimbursed by the owner or keeper of said animals for the costs of the shelter and care provided.

This revised language has been inserted in the proposed draft.

---

#### **License Fee Analysis**

We have also provided an analysis of license fees and cost of service delivery (See Attachment B). This is not intended to be an exhaustive analysis resulting in highly accurate outcomes, but it is provided to illustrate the comparison between dog license fees, potential license fees, and the basic costs of providing animal welfare services. It is clear that expenditures substantially exceed revenue and will continue to do so unless fee revenue is substantially increased.

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#### **Consistency with Island County Code Title XVII**

Consultation with Planning and Community Development determined that if the proposed Title VI amendments are adopted it would be appropriate to revise Title XVII. The differences between proposed Title VI and adopted Title XVII do not cause code inconsistency, but they should be brought into better alignment by changing Title XVII. That does not need to occur simultaneous to Title VI amendment. It should be added to the work plan and completed as soon as reasonable.

Planning and Community Development staff have identified several changes that would be appropriate. These changes are outlined in Attachment C.

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## BOICC 2nd Work Session Draft

(Updated 5/24/23)

# TITLE VI

## ANIMAL WELFARE

### Chapter 6.01 Purpose

#### 6. 01.010 Purpose of Animal Welfare Ordinance.

The purpose of these provisions is to protect the general public's health, safety, and welfare, and to prevent injury to persons, animals, and property. It is also the purpose of these provisions to prevent the inhumane treatment of animals and require the humane use and care of animals so that cruelty to such animals is reduced or eliminated. Authority for this chapter is the general police powers of the county.

#### 6. 01.020 Definitions.

The following words 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:

**Animal** means any nonhuman mammal, bird, reptile, or amphibian.

**Animal control officer or Island County Animal Control Officer** means either animal control independent contractors who contract with Island County or animal control officers appointed by the County Sheriff as county employees.

**Animal Cruelty** means any of the following:

1. Intentionally inflicting substantial pain or causing physical injury to an animal; or
2. Intentionally killing an animal by a means causing undue suffering or while manifesting an extreme indifference to life; or
3. Intentionally forcing a minor to inflict unnecessary pain, injury or death on an animal; or
4. With criminal negligence, starving, dehydrating or suffocating an animal; or
5. With criminal negligence, and in consideration of the animal's species, breed, age, health, medical condition and physical characteristics, exposing an animal to excessive heat or cold and as a result causes either (i) substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or (ii) death; or
6. Knowingly engaging in sexual conduct or sexual contact with an animal; or
7. Knowingly permitting any human sexual conduct or sexual contact with an animal to be conducted on any premises under a person's charge or control; or
8. Knowingly engaging in, organizing, promoting, conducting, advertising, aiding, abetting, participating in as an observer, or performing any service in the furtherance of an act involving any human sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or

9. Knowingly photographing or filming, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal; or
10. Knowingly, recklessly, or with criminal negligence inflicting unnecessary suffering or pain upon an animal; or
11. Knowingly, recklessly, or with criminal negligence failing to provide an animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; or
12. Knowingly, recklessly, or with criminal negligence abandoning an animal.

**Animal Shelter** means an establishment, maintained by local government or supported by charitable contributions, that provides a temporary home for dogs, cats, and other animals that are offered for adoption, and may or may not euthanize homeless animals that have been deemed unsuitable for adoption.

**Commercial kennel** means a place where, for compensation, five (5) or more adult dogs and/or cats over six months of age, irrespective of duration, are boarded, bred, bought, sold, exhibited or trained.

Facilities owned, operated, or maintained by or under contract to the county, pet shops, designated animal shelters, and veterinary clinics/hospitals where boarding is incidental to treatment are not commercial kennels.

**Harboring of an inherently dangerous mammal** means to allow an inherently dangerous mammal to remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

**Hearing Examiner** means a quasi-judicial entity established under Chapter 16.13 of this code that adjudicates appeals regarding kennel licensing under this Title.

**Inherently dangerous mammals** means:

1. Canidae, including any member of the dog (canid) family not customarily domesticated by man, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including domestic dogs (*Canis lupus familiaris*).
2. Felidae, including any member of the cat family not customarily domesticated by man, or any hybrids thereof, but not including domestic cats (*Felis catus*).

**Owner or keeper** as used in Title VI are interchangeable and whether it appears as "owner" or "keeper" or any combination of the two terms, unless specifically identified otherwise through context, shall mean any person, or entity that possesses, harbors, keeps, or has control or custody of an animal, regardless of whether the animal is licensed pursuant to the ordinance codified in Title VI.

**Pet shop** means any for-profit retail establishment or premises open to the public and maintained for the purchase, sale, or exchange of domestic pets and pet care supplies.

**Premises** means the real property, house, dwelling unit or enclosure that the owner or keeper of a dog or cat has a legal or equitable right to occupy or own. "Premises" does not extend into areas of

common ownership or use in the case of easements, trailers parks, apartment complexes, private communities, etc.

**Private Kennel** means any location where more than ten (10) adult dogs, ten (10) adult cats, or a combination thereof, are kept for personal, non-commercial purposes where the owner(s) does not receive compensation. This definition shall include but not be limited to non-profit animal rescues, shelters, sanctuaries, etc. Animal shelters owned, operated or maintained under contract to the county, pet shops, and veterinary clinics or hospitals where boarding is incidental to treatment are not private kennels.

**Recoverable costs or recoverable expenses** as referenced in Title VI those cost directly related to boarding and necessary veterinary care.

**Veterinary clinic or hospital** means any establishment or premises operated or devoted to the medical treatment of domestic animals.

## **Chapter 6.02 Control of Diseases of Domestic Animals<sup>1</sup>**

(Repealed)

(Chapter 6.01, Control of Diseases of Domestic Animals, Ord. 1, August 2, 1948, vol. 10, p. 251; amended by Ord., February 6, 1950, vol. 10, p. 380; amended by Ord., July 7, 1954, vol. 11, p. 34; repealed by Ord. PA-78-01, March 6, 1978, vol. 17, p. 263)

## **Chapter 6.04 Abandonment of Dogs and Other Animals**

### **6.04.010 Intentional abandonment unlawful.**

It shall be unlawful to intentionally abandon a dog, cat, or other animal within the limits of Island County.

It shall be unlawful for any person to leave any animal at, or on the premises of, the Island County Dog Pound or contracted dog shelter facility without first checking said animal into the pound or contracted dog shelter facility, using standard check-in procedures.

(Ord., March 2, 1964, vol. 12, p. 256)

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<sup>1</sup>State law reference(s)—For statutory provisions regarding Bangs' disease in cattle, see Chapter 16.40 RCW.

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#### **6.04.020 Presumption of intention.**

Any person who shall discharge a dog, cat, or other animal from a motor vehicle at a distance of further than one (1) mile from the home or residence of the party(ies) so discharging the animal shall be presumed to have intentionally abandoned the same animal.

(Ord., March 2, 1964, vol. 12, p. 256)

#### **6.04.040 Effective date.**

This chapter shall be in full force and effect from and after its passage pursuant to law.

(Ord., March 2, 1964, vol. 12, p. 256)

### **Chapter 6.08 License and Control<sup>2</sup>**

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206, New county Ord. #)

#### **6.08.020 Dog License required—Tags.**

It is unlawful to have possession or custody of, or to harbor or give shelter or refuge to, any dog without a valid Island County dog license and without having conspicuously displayed, on a strap or other device placed on the dog, an authorized identification tag issued by Island County; provided, that a dog kept for show need not display the identification tag on the owner's property, at a dog show, or while being transported to or from the show, or when off the owner's property and controlled by a leash.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447)

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<sup>2</sup>Editor's note(s)—Former chapter 6.08, Dog License Tax, Res., September 9, 1937, vol. 9, p. 220; repealed by Ord. PA-73-5, September 17, 1973, vol. 14, p. 406.

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### **6.08.030 Exemptions.**

The burden of proof as to an exemption shall be on the person claiming it.

- A. No license and identification tag, as provided for in section 6.08.020, shall be required for any dogs less than four (4) months of age when satisfactory proof of age can be and is, on request, submitted to an Island County licensing or law enforcement officer, and for any dog which is part of the inventory of a pet shop.
- B. No owner, manager, or employee of a commercial kennel, shelter, or veterinary hospital shall be required to purchase a dog license for any dog being boarded or treated in these establishments.
- C. No license and identification tag issued by Island County shall be required for any dog currently licensed in another jurisdiction and displaying a tag from that jurisdiction. At the expiration of the other license, an Island County license and tag shall be required.
- D. No license and identification tag issued by Island County shall be required for any dog in the possession or custody of, or being harbored or given shelter or refuge by, a person who is not a resident of Island County. Residency is established by living in Island County for thirty (30) days.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206, New county Ord.)

### **6.08.040 Service dogs.**

Upon presentation of evidence which establishes to the satisfaction of the Island County official in charge of issuance of licenses that a dog is a service dog for a person experiencing a disability, they shall issue a license and identification tag which shall bear the inscription "Guide Dog—No. (number to be inserted)—Island County." Said license and tag shall continue to be valid from year to year without renewal. The license and initial tag are free. Service dogs are dogs trained to provide a person with specific assistance related to the disability they experience as covered by the Americans with Disabilities Act.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

### **6.08.050 License fee and other fees.**

The annual (calendar year) license fee for each dog and any other fees applicable under chapter 6.08 shall be established by resolution of the Board of Island County Commissioners.

All dogs, cats and ferrets within Island County shall be vaccinated against rabies and revaccinated following veterinary and vaccine manufacturer instructions pursuant to WAC 246-100-197. Owners must provide proof of rabies vaccination to receive a dog license.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. C-83-90, May 14, 1990, vol. 31, p. 144; amended by Ord. C-120-92, December 21, 1992, vol. 35, p. 79; amended by Ord. C-104-99, September 20, 1999, effective January 1, 2000, vol. 43, p. 489; amended by Ord. C-84-12, July 23, 2012, effective September 1, 2012, vol. 2012, p. 110)

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### **6.08.060 Lost tags.**

Lost dog identification tags may be replaced by substitute identification tags upon payment of a fee as established by resolution of the Board of Island County Commissioners.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

### **6.08.070 Duty to show animal or license.**

It shall be unlawful to refuse to show or exhibit to any law enforcement officer or Island County official in charge of dog licensing any dog in one's possession, custody, or control and any dog license or dog identification tag issued therefor.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

### **6.08.080 Forged tags.**

It shall be unlawful for anyone to forge or to display a forged Island County dog license or dog identification tag.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

### **6.08.090 Control off premises—Authorized off-leash areas.**

A. **Control off premises.** Except as provided in [subsection] B., below, it is unlawful for the owner, keeper, or person having custody or control of any dog:

1. To permit a dog to run at large on public school grounds or public playgrounds;
2. To permit a female dog to run at large while in heat; or
3. To permit a dog to roam, run, stray, or be away from the premises of the owner or custodian and to be in any public place or on any public property or the private property of another in the county, unless such dog, while away from the premises of the owner or custodian, is controlled by a leash or chain not more than eight (8) feet in length, such control to be exercised by the owner or custodian or other competent and authorized persons.

Any dog found roaming, running, straying, or away from the premises of the owner or custodian and not under control as herein provided may be impounded, subject to redemption in the manner provided pursuant to this chapter.

This subsection does not apply when the dog or dogs at the time are being used or being trained or practicing for search and rescue, dog exhibition or showing, tracking or hunting, and are in compliance with any statute, rule, or regulation governing use of dogs in hunting. This section also does not apply when the dog or dogs at the time are under the control of official law enforcement personnel and are being used for law enforcement purposes.

B. **Authorized off-leash areas.** A dog or dogs, not in heat, accompanied by the dog owner or custodian who is in voice control of the dog (i.e. the dog will immediately come when called by the owner/custodian), may roam and be off-leash in the portion of the following designated Island County Park areas posted by the Island County Public Works Director and/or the North Whidbey Parks and Recreation District Director for such use:

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1. Double Bluff Beach Access - designated beach area west of developed park area, Assessor's Parcel Nos. R22923-078-3270 and R22923-056-2990 and R22923-105-3520 located in Section 23, Township 29 North, Range 2 East of the Willamette Meridian;
  2. Marguerite Brons Memorial Park - designated area, Assessor's Parcel No. R 13111-432-4450 located in Section 17, Township 29 North, Range 3 East of the Willamette Meridian;
  3. Island County Patmore Site, Assessor's Parcel No. R13111-463-4620 located in Section 11, Township 31 North, Range 1 East of the Willamette Meridian;
  4. English Boom Waterfront Trail Property - beach area only, Assessor's Parcel No. R33216-235-0300 located in Section 16, Township 32 North, Range 3 East of the Willamette Meridian.
  5. Oak Harbor Off Leash Area - designated area at east end of Technical Road in Oak Harbor, Assessor's Parcel No. R13326-149-3870 located in Section 26, Township 33 North, Range 2 East of the Willamette Meridian.
  6. Clover Valley Off Leash Area - designated area adjacent to North Whidbey Parks and Recreation Ballfield complex, Assessor's Parcel No. R13323-026-0730 located in Section 23, Township 23 North, Range 2 East of the Willamette Meridian.
  7. Henry Hollow Off Leash Area - designated area 876 West Camano Dr. Assessor's parcel No. R23225-410-4730

The owner or custodian of the dog shall comply with all of the applicable Island County Parks Property Rules and Regulations.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. SO-84-02, September 17, 1984, vol. 23, p. 7; amended by Ord. C-28-99, April 5, 1999, effective June 7, 1999, vol. 43, p. 250; amended by Ord. C-102-02, January 6, 2003, vol. 47, p. 2)

#### **6.08.100 Chasing vehicles.**

It shall be unlawful for any person having possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog to habitually or frequently chase, run after, or jump at vehicles, including bicycles, using public roadways.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

#### **6.08.110 Menacing pedestrians.**

It shall be unlawful for any person having possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog to frequently or habitually snap at, jump at or upon, run after, or chase any pedestrian on the public sidewalks, roadways, alleys, beaches, or other public ways. In addition, upon any showing that the menacing dog has bitten any such pedestrian with sufficient force to break the skin, the person having possession or custody of, or harboring or giving shelter or refuge to the dog, shall promptly comply with section 6.08.182 regarding confinement of the dog.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. C-06-94, March 21, 1994, vol. 37, p. 35)

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### **6.08.120 Running in packs prohibited.**

It shall be unlawful for any person having the possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog to run in a pack with other dogs off the premises of the person having such possession, custody, or control. A pack is three (3) or more dogs. This section does not apply when the dog or dogs at the time are being used or being trained or practicing for search and rescue, dog exhibition or showing, tracking, or hunting and are in compliance with any statute, rule, or regulation governing use of dogs in hunting.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

### **6.08.130 Prohibited barking.**

It shall be unlawful for any person having the possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog, by frequent or habitual howling, yelping, barking, or the making of similar noises, to annoy or disturb a neighborhood of three (3) or more persons separately domiciled; provided, that this section shall have no applicability to any pet shop, commercial kennel, or veterinary hospital, as defined in section 6.08.030 of this chapter, for which a conditional use permit has been granted pursuant to the Island County Zoning Ordinance presently in effect, as amended, or a successor zoning ordinance.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; revised Ord. PA-78-01, March 13, 1978, vol. 17, p. 273)

### **6.08.140 Chasing game animals.**

It shall be unlawful for any person having the possession or custody of, or harboring or giving shelter or refuge to, any dog to allow, suffer, or permit the dog to pursue, chase, run after, bite or attempt to bite, attack, injure, or kill any deer or other game animal or game bird, except when using the dog in hunting or training for hunting and as may be allowed by any statute, rule, or regulation governing use of dogs in hunting.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

### **6.08.150 Grounds for seizure and impound.**

If any law enforcement officer or Island County Animal Control Officer has probable cause to believe that the owner or keeper has violated RCW 16.52 or the provisions of this Title, the officer may seize and impound the animal. Any animal may be seized and impounded by any law enforcement officer or Island County Animal Control officer if said animal is being subjected to cruelty as defined by the Revised Code of Washington.

RCW 16.52.085 provides protection for community members and organizations that provide safe haven and care, without expectation of payment, for animals seized under this section may be protected by RCW 16.52.085 .

Dogs may be seized and placed in the Island County Pound or contracted dog shelter facility by any law enforcement officer or Island County Animal Control Officer in the following circumstances:

- A. When the dog is off the premises of the person having the possession or custody of, or harboring or giving shelter or refuge to the dog, and the dog is not displaying an Island County

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identification tag as required by section 6.08.020, or when the dog is not licensed as required by section 6.08.020.

- B. When the dog is committing any of the following offenses or immediately thereafter and before return of the dog to the premises of the person having the possession or custody thereof or harboring or giving shelter or refuge to the dog: sections 6.08.090; 6.08.100; 6.08.110; 6.08.120; and 6.08.140.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. C-84-12, July 23, 2012, effective September 1, 2012, vol. 2012, p. 110, New county Ord. #, RCW 4.24.300)

#### **6.08.155 Bonding for Care**

Owners shall be required to bond for care of pets being held in custodial care pursuant to RCW 16.52.085(4).

#### **6.08.160 Placement in pound or contracted shelter facility.**

All dogs seized and not returned to the person having the custody or possession thereof shall be placed in the county pound or contracted dog shelter facility. The management of the county pound shall keep a written record of all dogs received which shall include the date and time of receipt, description of the dog by breed, sex, and color, location of apprehension, and by whom apprehended, license number or other identification on the dog, if any, and such other information as the shelter management shall desire. Written records of dogs received in county contracted dog shelter facilities shall be kept in accordance with the terms of the contract. If the dog has an identification tag or its owner or keeper is known, the shelter management shall notify the owner or keeper that the dog is in the shelter and inform him of the procedure for redemption. The shelter management shall keep the record of dogs received open for public inspection during designated viewing hours and shall answer telephone inquiries concerning dogs in its custody.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. C-84-12, July 23, 2012, effective September 1, 2012, vol. 2012, p. 110)(add new county Ord. #)

#### **6.08.170 Redemption.**

Any person who had the possession or custody of, or was harboring or giving shelter or refuge to, any dog which has been impounded, may redeem the dog within five (5) days, or such longer period as the pound management or contracted dog shelter facility management may keep the dog, by paying the following sums: the dog license or replacement tag fee if a license or tag is required, an impound fee, and a boarding fee for each day or part of day. At its discretion, the pound management or contracted dog shelter facility management may secure veterinary treatment for any injured or diseased dog, and the expense thereof shall be an additional charge for redemption. Any veterinarian providing treatment for any injured or diseased dog at the request of the pound management or contracted dog shelter facility management, may, in his or her discretion, humanely destroy the dog where necessary or appropriate in his or her professional judgment.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. C-120-92, December 21, 1992, vol. 35, p. 79; amended by Ord. C-104-99,

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September 20, 1999, effective January 1, 2000, vol. 43, p. 489; amended by Ord. C-84-12, July 23, 2012, effective September 1, 2012, vol. 2012, p. 110)

#### **6.08.180 Disposition.**

If the owner or keeper of a dog has not redeemed it within five (5) days of its arrival at the county pound or contracted dog shelter facility, then the pound management or contracted dog shelter facility management, in its discretion, may humanely destroy the dog or allow any other person to redeem the dog within such period of time as the pound management or contracted dog shelter facility management, in its discretion, may choose to keep the dog, upon payment of the license and adoption fee. No impound fee shall be charged to a person who is not an owner or keeper of the dog. The pound management or contracted dog shelter facility management, at its discretion, after failure of the owner or keeper to redeem the dog within the prescribed period, may cause the dog to be spayed or neutered before allowing another person to redeem it.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. C-120-92, December 21, 1992, vol. 35, p. 79; amended by Ord. C-84-12, July 23, 2012, effective September 1, 2012, vol. 2012, p. 110)

#### **6.08.181 Slaying dangerous dogs.**

If any fierce, dangerous, vicious, or depredatory dog or dogs cannot be safely taken up and impounded, such animal may be slain by any police officer or authorized animal control officer.

(Ord. SO-84-01, August 20, 1984, vol. 22, p. 447)

#### **6.08.182 Confinement of a biting dog.**

It is unlawful for the owner of any dog, when notified that such dog has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such dog or permit such dog to be taken beyond the limits of the county, except to a veterinary hospital, and it shall be the duty of such owner upon receiving notice of the character aforesaid to immediately confine such animal for a period of at least ten (10) days. Such a dog shall be kept securely chained or confined to the premises of the owner and segregated from any other animals during such ten-day observation period. If during such ten-day observation period, the dog exhibits symptoms of disease or sickness, such owner shall immediately notify a veterinarian for the purpose of observation and treatment.

(Ord. SO-84-01, August 20, 1984, vol. 22, p. 447)

#### **6.08.184 Owner-animal surrender.**

An owner of a dog may dispose of his or her dog by surrendering the dog to an Island County Dog Pound or contracted dog shelter facility upon payment of an owner-animal surrender fee.

(Ord. C-120-92, December 21, 1992, vol. 35, p. 79; amended by Ord. C-84-12, July 23, 2012, effective September 1, 2012, vol. 2012, p. 110)

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### **6.08.190 Interfering with impounding prohibited.**

It is unlawful for any person to obstruct, interfere with, or delay a law enforcement officer or Island County Animal Control Officer impounding a dog or any other animal pursuant to this chapter.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206, New county Ord.#)

### **6.08.200 Refund of fees upon acquittal.**

When any owner or keeper of a dog has redeemed it after impound as provided in this chapter and such owner or keeper is acquitted of any criminal charge or the charge is dismissed for lack of evidence or insufficiency of evidence and the offense charged was the ground for impounding, then the pound management or contracted dog shelter facility management, upon receipt of satisfactory evidence of such acquittal or dismissal, shall refund to the owner or keeper the impound fee.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. C-84-12, July 23, 2012, effective September 1, 2012, vol. 2012, p. 110)

### **6.08.210 Enforcement.**

- A. There is established within the Office of the Sheriff an Animal Control Division. The Animal Control Division shall consist of either animal control independent contractors who contract with Island County or so many animal control officers as may be authorized by the Board of County Commissioners in the annual budget. The Animal Control Division shall be administered by the Sheriff.
- B. Enforcement of all provisions of this chapter shall be the responsibility of the Sheriff.
- C. The sale of dog licenses and identification tags shall be the responsibility of the office of the Island County Treasurer and any animal control contractors.
- D. Kennel Licenses shall be obtained from the Island County Animal Control Division.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. C-06-94, March 21, 1994, vol. 37, p. 35, New county Ord.#)

### **6.08.230 Severability.**

If any provision of this chapter or its application to any person or circumstance is held invalid or unconstitutional, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

### **6.08.240 Repeal of earlier ordinances.**

Ordinance PA-77-02, January 3, 1978, , and contained in volume 17, page 206, of the Record of Proceedings of the County Commissioners, and codified as chapter 6.12, is repealed.

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(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206)

**6.08.250 Effective date.**

- A. This chapter shall take effect and be in force beginning the **1st day of April, 1978** [Add new date here.].
- B. The amendments to sections 6.08.020, 6.08.050, 6.08.090, 6.08.170, 6.08.180, and 6.08.210, and sections 6.08.181, 6.08.182, and 6.08.183, adopted on August 20, 1984, shall take effect and be in force beginning October 1, 1984. The additional amendment to section 6.08.090, adopted on September 17, 1984, shall take effect and be in force beginning October 1, 1984.

(Ord. PA-77-02, January 3, 1978, vol. 17, p. 206; amended by Ord. SO-84-01, August 20, 1984, vol. 22, p. 447; amended by Ord. SO-84-02, September 17, 1984, vol. 23, p. 7)

## **Chapter 6.10 Licensing of Kennels**

**6.10.010 Commercial Kennel License.**

Commercial kennels located in the county shall be licensed as required by this section. All applicants seeking a commercial kennel license must submit a completed application for license with all applicable documentation and fees prescribed in the Island County fee schedule. Commercial kennel licenses shall be valid for a twelve-month period and shall be renewed on or before the expiration of such period. The Island County Sheriff Animal Control Division shall mail a notice of renewal to the license holder not less than thirty days prior to the expiration of the license. All applicants requesting renewal of a commercial kennel license must submit a completed renewal application with applicable documentation and fees prescribed in the Island County fee schedule. Late applications for renewal incur additional fees as prescribed in the Island County fee schedule. A license that is not renewed within ninety days after its expiration shall be cancelled. After such cancellation, a facility may only be licensed by submitting a new application under this section, as if the facility had not previously been licensed.

A. Applications for commercial kennel licenses shall be made to the Island County Sheriff Animal Control Division. Each application shall be in writing and signed and sworn to by the applicant. The application shall contain the following information:

1. The name (including all aliases), home address, and telephone number of the applicant;
2. The business name, business address, and telephone number of the proposed commercial kennel;
3. A diagram to scale or approximately to scale of the kennel facility;
4. A description of the premises where the kennel will be operated, as well as a description of maximum number and types of animals to be accommodated by the proposed business; and
5. A written statement from the Island County Planning Director that kennels are a permitted use in the zoning district; or verification of an approved Conditional Use Permit as may be required.

B. The following operation standards shall apply to commercial kennels:

1. All animals must have an adequate supply of drinking water, sanitary sleeping quarters, adequate shelter, medical attention, grooming and exercise areas appropriate to their size, breed characteristics and climate;
2. All animals shall be supplied with sufficient good and wholesome food as often as the feeding habits of the respective animals require, but not less than, in the case of puppies or kittens under four months of age, three times every twenty-four hours; and, in the case of adults, at least once every twenty-four hours;
3. Food shall be stored in a fashion that prevents spoilage, contamination or pest infestation;
4. The facilities shall be maintained and operated in a healthful, sanitary manner, generally free from disease and pest infestation;
5. Animal feces shall be properly collected, bagged, sealed, and disposed of daily.
6. Animals shall be immunized from disease as is usual and customary for the animals' age and species.
7. 11. All animals shall be maintained so as to eliminate excessive noise between the hours of 7pm and 7am.
8. Dead animals shall be properly disposed of by freezing and holding for pick up, incineration in a crematorium or other authorized disposal service.
9. Sick animals shall be isolated from healthy ones in quarters adequately ventilated to prevent infection of healthy animals by exposure to sick animals;
10. Kennel Facilities and Housing standards;
  - a. The primary enclosure must be large enough so the animal(s) can sit, stand, lie down, or turn around comfortably, with no overcrowding.
  - b. The primary enclosure shall be constructed and maintained so that animals are securely confined, so that other animals cannot gain entry, and so as to not cause injury to the animal.
  - c. Protection from adverse or extreme weather conditions must be provided.
  - d. While flooring that provides solid footing is preferred, if perforated or non-solid flooring is used in the primary enclosure, it should be comprised of a material featuring a protective coating, be of an appropriate mesh size and structure for the size and weight of the animal to prevent injury (especially to feet) and must be kept in good repair. If perforated or non-solid flooring is used, a solid platform of sufficient size should be provided to allow the animal(s) to attain solid footing and to offer a space for resting
  - e. Facilities must be lighted or provided with enough natural light to provide a regular lighting cycle for the animals.

- f. Bedding material made available to animals should be clean and not pose a risk to the animals
- 11. Written records shall be maintained on the premises including vaccinations and dates for all animals boarded or sold; records of new owners names and addresses for each animal sold. Records must be current within three (3) years.
- C. The Animal Control Division may deny issuance or renewal of a license and may revoke an existing license upon finding after an investigation any of the following:
  - 1. The license fee has not been paid;
  - 2. The application does not satisfy the requirements of subsection A of this section;
  - 3. Upon the inspection by the Sheriff, the business does not meet the standards for a commercial kennel set forth in subsection B of this section;
  - 4. Such license was issued illegally, or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts, or that any of the material facts contained in the application are false;
  - 5. The licensee has failed to comply with the commercial kennel operations standards set forth in subsection B.
  - 6. A revoked permit is not eligible for reinstatement. A new application must be submitted and approved to relicense a commercial kennel.
- D. The Island County Sheriff Animal Control Division shall notify an applicant of the Division's decision to deny an application for a new license or the renewal of an existing license under the provisions of this section, and shall notify any person holding an existing license of the Division's decision to revoke such license under the provisions of this section. Such notifications shall be made in writing, either in person or by certified mail. The notice shall contain the following information:
  - 1. The facts upon which the denial or revocation is based and the specific licensing requirements not met.
  - 2. That the notice renders the Island County Sheriff Animal Control Division's decision final unless the applicant or licensee submits a request for an administrative appeal hearing to the Division in writing on a form provided with the notice within fourteen (14) calendar days of the issuance of the notice.
- E. The Island County Sheriff Animal Control Division's decision is final unless the applicant or licensee requests an administrative appeal hearing as provided in section 6.08.038. If an administrative appeal hearing is requested, within the time allowed per Sec. 6.10.010.D, regarding the Division's decision to not renew, suspend or revoke a current legally issued license, the Division's decision is stayed and the license shall remain in effect pending final determination of the appeal as provided in this section; provided, the Division may take such other lawful action regarding operation of the commercial kennel as may be required to enforce the provisions of this chapter, chapter 6.08.150 of this code, or Chapter 16.08, 16.52 and 16.54 RCW.

G. No commercial kennel license, or any renewal thereof, may be issued until the owner or operator thereof allows the Animal Control Division to inspect the premises of the license applicant. Such inspections shall be made during regular business hours. The purpose of such inspection shall be to determine if the commercial kennel does or can meet the standards set forth in subsection A and B and the definition of a Commercial Kennel.

(New county Ord.#)

#### **6.10.020 Private Kennel License**

Private kennels located in the county shall be licensed as required by this section. All applicants seeking a private kennel license must submit a completed application for license with all applicable documentation and fees prescribed in the Island County Animal Control Division's fee schedule. Private kennel licenses shall be for a twelve-month period and shall be renewed on or before the expiration of such period. All applicants requesting renewal of a private kennel license must submit a completed renewal application with applicable documentation and fees prescribed in the Animal Control Division's schedule. All renewal rights to an existing license shall cease to exist ninety days after the renewal date, and continued operation of the kennel shall be deemed operation of an illegal kennel. The Division shall mail a notice of renewal to the license holder not less than thirty days prior to the expiration of said license.

A. Applications for private kennel licenses shall be made to Island County Animal Control Division. Each application shall be in writing and signed and sworn to by the applicant. The application shall contain the following information:

1. The name (including all aliases), home address, and telephone number of the applicant;
  2. A diagram of the kennel facility, when said facility is anything other than the full and complete area of a private residence; and,
  3. A description of the premises where the kennel will be operated, as well as a description of the maximum number and types of animals to be accommodated and nature of the proposed private kennel.
- B. The following operation standards shall apply to private kennels:
1. All animals must have an adequate supply of drinking water, sanitary sleeping quarters, adequate shelter, medical attention, grooming and exercise areas appropriate to their size, breed characteristics and climate;
  2. All animals shall be supplied with sufficient good and wholesome food as often as the feeding habits of the respective animals require, but not less than, in the case of puppies or kittens under four months of age, three times every twenty-four hours; and, in the case of adults, at least once every twenty-four hours;
  3. Food shall be stored in a fashion that prevents spoilage, contamination or pest infestation;
  4. The facilities shall be maintained and operated in a healthful, sanitary manner, generally free from disease and pest infestation;

5. Animal feces shall be properly collected, bagged, sealed, and disposed of daily.
6. Animals shall be immunized from disease as is usual and customary for the animals' age and species.
7. All animals shall be maintained so as to eliminate excessive noise between the hours of 7pm and 7am.
8. Dead animals shall be properly disposed of by freezing and holding for pick up, incineration in a crematorium or other authorized disposal service.
9. Sick animals shall be isolated from healthy ones in quarters adequately ventilated to prevent infection of healthy animals by exposure to sick animals;
10. Kennel Facilities and Housing standards;
  - a. The primary enclosure must be large enough so the animal(s) can sit, stand, lie down, or turn around comfortably, with no overcrowding.
  - b. The primary enclosure shall be constructed and maintained so that animals are securely confined, so that other animals cannot gain entry, and so as to not cause injury to the animal.
  - c. Protection from adverse or extreme weather conditions must be provided.
  - d. While flooring that provides solid footing is preferred, if perforated or non-solid flooring is used in the primary enclosure, it should be comprised of a material featuring a protective coating, be of an appropriate mesh size and structure for the size and weight of the animal to prevent injury (especially to feet) and must be kept in good repair. If perforated or non-solid flooring is used, a solid platform of sufficient size should be provided to allow the animal(s) to attain solid footing and to offer a space for resting
  - e. Facilities must be lighted or have access to enough natural light to provide a regular lighting cycle for the animals.
  - f. Bedding material made available to animals should be clean and not pose a risk to the animals.
11. Written records shall be maintained on the premises including vaccinations and dates for all animals. Records must be current within three (3) years.

C. The Animal Control Division may deny issuance or renewal of a license and may revoke an existing license upon finding after an investigation any of the following:

1. The license fee has not been paid;
2. The application does not satisfy the requirements of subsection A of this section;

3. Upon the inspection by the director, the premises does not meet the standards for a private kennel set forth in subsection B of this section;
  4. Such license was issued illegally, or by mistake or inadvertence, or was procured by fraud, misrepresentation, false or misleading statements, evasions or suppression of material facts, or that any of the material facts contained in the application are false;
  5. The licensee has failed to comply with the private kennel operations standards set forth in subsection B.
  6. A revoked permit is not eligible for reinstatement. A new application must be submitted and approved to relicense a private kennel.
- D. The Island County Sheriff Animal Control Division shall notify an applicant of the Division's decision to deny an application for a new license or the renewal of an existing license under the provisions of this section and shall notify any person holding an existing license of the Division's decision to revoke such license under the provisions of this section. Such notifications shall be made in writing, either in person or by certified mail. The notice shall contain the following information:
1. The facts upon which the denial or revocation is based and the specific licensing requirements not met.
  2. That the notice renders the Island County Sheriff Animal Control Division's decision final unless the applicant or licensee submits a request for an administrative appeal hearing to the Division in writing on a form provided with the notice within fourteen (14) days of the issuance of the notice.
- E. The Island County Sheriff Animal Control Division's decision is final unless the applicant or licensee requests an administrative appeal hearing as provided in section 6.08.038. If an administrative appeal hearing is requested, within the time allowed per Sec. 6.10.020.D, regarding the Division's decision to not renew, suspend or revoke a current legally issued license, the Division's decision is stayed and the license shall remain in effect pending final determination of the appeal as provided in this section; provided, the Division may take such other lawful action regarding operation of the commercial kennel as may be required to enforce the provisions of this chapter, chapter 6.08.150 of this code, or Chapter 16.08, 16.52 and 16.54 RCW.
- G. No Private kennel license, or any renewal thereof, may be issued until the owner or operator thereof allows the Animal Control Division to inspect the premises of the license applicant. Such inspections shall be made during regular business hours. The purpose of such inspection shall be to determine if the private kennel does or can meet the standards set forth in subsections A and B and the definition of a Private Kennel.

(New county Ord.#)

#### **6.10.030 Monitoring and enforcement**

- A. The Animal Control Division may inspect the premises of a Commercial Kennel at any time to ensure compliance with the provisions of this section. The Island County Animal Control Division shall

make inspections in response to complaints to inspect a licensed kennel for conformity with the provisions of this chapter.

B. Upon a finding by the Animal Control Officer of noncompliance with the provisions of this chapter, the Island County Animal Control Division shall send a letter to the license holder of the noncomplying kennel informing him/her or her of its findings.

2. The owner of the kennel shall have thirty (30) days to comply with these provisions. Continuing noncompliance after thirty (30) days, or receipt of two operational noncompliance letters within 180 days, shall constitute a failure to comply with a mandatory provision of an Island County ordinance, and the license shall be revoked
3. In the event that failure to obtain or renew a kennel license, filing of a complete application shall stay the term of noncompliance for the duration of the application review period.

(New county Ord. #)

#### **6.10.040 Administrative Appeal Process**

If an administrative appeal hearing is requested concerning the denial of a kennel license, such hearing and appeal will be held and adjudicated pursuant to this section.

- A. The applicant for a kennel license (applicant) has twenty (20) days from the Sheriff's decision to submit a written petition for an administrative appeal hearing to the Island County Clerk. The hearing shall be held before the county Hearing Examiner, as appointed under chapter 16.3, Island County Code. The hearing shall be held within thirty (30) days after the receipt of such request, unless it is continued by the Hearing Examiner based on a showing of good cause. The General Services Administration Department shall notify the applicant of the date, time, and place of the hearing at least ten days before the hearing date, which time for notification may be shortened by the Examiner based on the agreement of the parties or good cause.
- B. The administrative appeal hearing shall be electronically recorded. All testimony at the hearing shall be taken under oath. The hearing shall be conducted in accordance with the hearing examiner rules of procedure adopted by the Hearing Examiner to the extent such rules are relevant and are not in conflict with this section.
- C. The hearing shall be held in public. Testimony and evidence shall be accepted from the appellant and the County. All evidence from these parties bearing on the question of whether the Division's decision is proper under the provisions of this section may be received at the administrative appeal hearing.
- D. The hearing examiner shall issue a written decision and mail a copy of the decision to the applicant for kennel license by regular mail, and to the Animal Control Division and other parties of record by email, within 30 days of the appeal hearing. The hearing examiner's decision shall be to affirm, reverse, or modify the denial of the kennel license. The decision of the hearing examiner shall be final and binding, unless appealed to Superior Court.

- E. The Hearing Examiner's decision shall be rendered within 30 days of the hearing. The Hearing Examiner may uphold the denial or revocation or reverse the denial or revocation.
- F. If the Hearing Examiner reverses the Animal Control Division's decision, the Division shall cause the license to be issued, renewed or reinstated forthwith.
- G. The determination of the Hearing Examiner shall be final unless timely appealed to Superior Court within twenty-one (21) days.

## **Chapter 6.12 Dog Leash Law**

(Repealed)

(Chapter 6.12, Dog Leash Law, Res. A-1, February 7, 1929, vol. 9, p. 339; repealed by Ord. PA-77-02, Island County Code section 6.08.240, January 3, 1978, vol. 17, p. 206)

## **Chapter 6.16 Stock Restricted Areas<sup>3</sup>**

### **6.16.010 Restriction imposed.**

No livestock shall be allowed to run at large within the areas of Island County described in section 6.16.020.

(Ord. E-73-4, June 4, 1973, vol. 14, p. 334)

### **6.16.020 Restricted areas.**

The entire area of Island County shall be a restricted area for livestock.

(Ord. E-73-4, June 4, 1973, vol. 14, p. 334)

### **6.16.030 Repealer.**

Those certain resolutions and orders of Island County listed herein are hereby repealed:

- A. Order, dated December 2, 1940, and filed in volume 9, page 448, of the Records of Commissioners' Proceedings on file in the office of the Island County Auditor.
- B. Resolution, dated July 9, 1925, and filed in volume 72 of the Records of Commissioners' Proceedings on file in the office of the Island County Auditor.
- C. Resolution, dated June 2, 1924, and filed in volume 8, page 24, of the Records of Commissioners' Proceedings on file in the office of the Island County Auditor.

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<sup>3</sup>State law reference(s)—For statutory authority, see RCW 16.24.010.

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(Ord. E-73-4, June 4, 1973, vol. 14, p. 334)

**6.16.040 Effective date.**

This chapter shall be in full force and effect five (5) days after its passage into law.

(Ord. E-73-4, June 4, 1973, vol. 14, p. 334)

**Chapter 6.20 Inherently Dangerous Mammals**

**6.20.010 Purpose.**

It is the public policy of Island County to secure and maintain such levels of control over inherently dangerous mammals harbored and/or owned within the unincorporated area of Island County as will protect the general public health, safety and welfare.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

**6.20.030 Prohibitions on inherently dangerous mammals.**

- A. No person shall own, harbor, possess or have custody or control of felidae in the unincorporated area of Island County.
- B. No person owning or harboring, having custody, control, or possession of an inherently dangerous mammal shall permit or allow the same to be at large upon any highway, street, lane, alley, court, or any other place, public or private, or within the premises of such person, in such manner as to endanger any person lawfully entering such premises.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

**6.20.040 Exemptions.**

The following are exempt from all provisions of this chapter:

- A. Any facility accredited by the Association of Zoos and Aquariums (AZA);
- B. Any licensed or accredited research or medical institutions;
- C. Licensed or accredited educational institutions;
- D. Veterinary clinics in possession of inherently dangerous mammals for treatment or rehabilitation purposes;
- E. Traveling circuses or carnivals;
- F. Persons temporarily transporting inherently dangerous mammals through the county provided that the transit time shall not be more than three (3) days;
- G. Any facility licensed as an exhibitor by the United States Department of Agriculture (USDA) under the Animal Welfare Act; and

- 
- H. Any person having a valid wildlife rehabilitation permit from the Washington State Department of Fish and Wildlife as a wildlife rehabilitator.

Although the above are exempt from the provisions of this chapter, they must comply with all other applicable federal, state and local regulations, including but not necessarily limited to Chapter 16.52 RCW, concerning the prevention of cruelty to animals.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

#### **6.20.050 Standards for keeping canidae and hybrids thereof.**

A harborer and/or owner of any canidae and hybrids thereof shall comply with the following standards:

- A. Owners of the animals must live on the same property where the animals are kept.
- B. No more than two (2) canidae or hybrids thereof may be owned and possessed by one (1) owner or family unit living on the same property. The exception provided would be for newborns from birth to twelve (12) weeks.
- C. Canidae, or hybrids thereof, shall be confined in a proper enclosure. The canidae shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall also provide protection from the elements for the animal.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

#### **6.20.060 Sale and transfer of inherently dangerous mammals.**

Any person who sells, gives, or in any way transfers possession or ownership of an inherently dangerous mammal to another person within the unincorporated area of Island County shall maintain records reflecting the name, address, and telephone number of the receiver of the animal; a complete and accurate description of the animal transferred. This information shall be communicated to the animal control officer prior to or at the same time as the transfer occurs.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

#### **6.20.070 Running at large; duty to notify animal control officer.**

Any person owning or harboring, having custody, control, or possession of an inherently dangerous mammal shall have the duty when they know or should reasonably know said inherently dangerous mammal is at large as defined in section 6.20.030.B. hereinabove to notify ICOM by phone at 911 of such fact, within thirty (30) minutes.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

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#### **6.20.080 Compliance with other laws.**

In addition to complying with all provisions of this chapter, no person shall harbor and/or own an inherently dangerous mammal within the unincorporated area of Island County without complying with all other applicable federal, state and local laws, ordinances and regulations.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

#### **6.20.090 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 any person owning or harboring, having custody, control or possession of an inherently dangerous mammal or anyone injured or killed by those animals. 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 are upon persons owning or harboring, having custody, control or possession of inherently dangerous mammals. Acts or omissions to act by Island County, or its officials, employees or contractors, under this chapter shall not create any liability on the part of Island County, its officials, employees or contractors.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

#### **6.20.110 Effective date.**

This chapter is effective on the date of passage; except that persons owning, harboring, having custody, control or possession of the canidae, or hybrids thereof, shall have four (4) months to come into full compliance with the provisions of this chapter. This chapter is effective on the date of passage for persons owning, harboring, having custody, control or possession of the felidae, or hybrids thereof, unless exempted under Island County Code section 6.02.040.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

#### **6.20.120 Severability.**

If any section sentence, subdivision or clause of this chapter shall for any reason be held invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. C-33-98, April 27, 1998, vol. 42, p. 144)

### **Chapter 6.40 Violations and Enforcement**

#### **6.40.005 Enforcement Authority**

The animal control officer, the Island County Sheriff and deputies, and any other law enforcement officer are enforcement officers within the meaning of Chapter 7.80 RCW.

#### **6.40.007 Notice of Civil Infraction.**

Rules and procedures relating to the processing of infractions shall be as stated in Chapter [7.80](#) RCW now or as hereinafter amended.

#### **6.04.009 General Enforcement and Penalties**

Except as otherwise noted in this chapter, it shall be unlawful and punishable as a Class 2 civil infraction under Chapter 7.80 RCW for any person or corporation to violate the provisions of this chapter. Each day on which such violation continues shall constitute a separate Class 2 civil infraction

#### **6.40.010 Abandonment of Dogs and other Animals and License and Control Enforcement**

##### **A. Civil infractions.**

1. A violation of the Abandonment of Dogs and other Animals and License and Control Enforcement chapter(s) shall be a civil infraction, except when it is a misdemeanor as provided in subsection B. below.
2. Any notice of infraction of said chapter(s) shall be processed pursuant to the provisions of Chapter 7.80 RCW and any rules adopted by the Washington Supreme Court and any adopted local court rules.
3. The penalty for a civil infraction shall be a Class 2 civil infraction subject to a one hundred twenty-five dollar (\$125.00) civil penalty, not including statutory assessments.

##### **B. Misdemeanors.**

1. Any person committing a third or subsequent violation of provisions of said chapter(s) within a five-year period is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
  2. Any person committing a violation of the provisions of said chapter(s) in which another animal or another person, who does not own or possess the dog, is injured during commission of the violation, or committing a violation of section 6.08.183, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
- C. The imposition of a penalty under subsection A. or B. above shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violation within a reasonable time. Unless otherwise specified, each day that a violation continues is a separate offense. The application of the penalties in subsection A. or B. above shall not be held to prevent abatement of any violation.

(Ord. PA-77-02, January 2, 1978, vol. 17, p. 206; amended by Ord. C-72-11, August 15, 2011, vol. 2011, p. 144, Chapter 15.52.205 and 16.52.207 RCW

#### **6.40.030 Kennel Licensing Enforcement**

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- A. Failure to obtain a commercial kennel license or a private kennel license is deemed a violation Chapter 6.10 Kennel Licensing.
    - 1. A violation of the kennel licensing chapters shall be a Class 1 civil infraction, subject to a two hundred fifty dollar (\$250.00) civil penalty, not including statutory assessments, except when it is a misdemeanor as provided in subsection 2. below.
    - 2. Any person committing a second or subsequent violation of provisions of Chapter 6.10 Kennel Licensing is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
  - B. The imposition of a penalty under subsection A above shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violation within a reasonable time. Unless otherwise specified, each day that a violation continues is a separate offense. The application of the penalties in subsection A. or B. above shall not be held to prevent abatement of any violation.

#### **6.40.040 Inherently Dangerous Mammals**

- A. Civil infractions.
  - 1. A violation of the inherently dangerous dogs chapter shall be a Class 2 civil infraction, except when it is a misdemeanor as provided in subsection B. below.
  - 2. Any notice of infraction of said chapter shall be processed pursuant to the provisions of Chapter 7.80 RCW and any rules adopted by the Washington Supreme Court and any adopted local court rules.
  - 3. The penalty for a civil infraction shall be a Class 2 civil infraction subject to a one hundred twenty-five dollar (\$125.00) civil penalty, not including statutory assessments.
- B. Misdemeanors.
  - 1. Any person committing a third or subsequent violation of provisions of said chapter within a five-year period is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
  - 2. Any person committing a violation of the provisions of said chapter in which another animal or another person, who does not own or possess the dog, is injured during commission of the violation, or committing a violation of section 6.08.183, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than ninety (90) days, or both.
- C. The imposition of a penalty under subsection A. or B. above shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violation within a reasonable time. Unless otherwise specified, each day that a violation continues is a separate offense. The application of the penalties in subsection A. or B. above shall not be held to prevent abatement of any violation.

#### **6.40.050 Animal Cruelty**

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Animal Cruelty shall be unlawful and punishable as either a Class C felony or a gross misdemeanor under Chapter 16.52.205 RCW and 7.48A.010(2)(b)(ii) RCW or 16.52.207 RCW respectively.

**6.40.060 Reimbursement for Care**

Where an animal is seized or impounded pursuant to this Title, and where a judicial officer or hearing examiner finds that a violation of this Title has occurred, any shelter, humane society or animal rescue organization who shelters or cares for seized or impounded animals shall be entitled to be reimbursed by the owner or keeper of said animals for the costs of the shelter and care provided.

DRAFT

# Animal Control Funding Analysis

Revenue from Island County pet licenses  
vs. cost of employing two full-time Animal



## Cost for two

Annual Salary Range:

- \$62,737 - \$75,329 per officer
- \$125,474 - \$150,658 for both



## Revenue Generated by Pet Licenses in Island County, (by year)

- 2020: \$15,562
- 2021: \$20,953
- 2022: \$16,670



## Cost of Licensing a pet in Island County

- |                                  |      |
|----------------------------------|------|
| • New/Annual License (Altered)   | \$10 |
| • New/Annual License (Unaltered) | \$33 |
| • Guide Dog                      | Free |
| • Replacement/Lost Tag           | \$1  |

Washington state currently has 7.8 million people and one of the highest dog ownership rates in the U.S. at 254 dogs per 1,000 people. That's an estimated 1,976,120 dogs.

As of 2023, Island County's population is at 89,362. By taking the City of Langley, Town of Coupeville, and City of Oak Harbor's population out of the equation, that still amounts to approximately 15,661 dogs.

**Island County does not currently collect enough revenue to fund two (2) full-time Animal Control Officers**

If each of the 15,661 dogs were licensed at \$10 each year, that would generate \$156,610.



## Island County Planning and Community Development

Mary Engle, Director

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### ~MEMORANDUM~

June 7, 2023

TO: Michael Jones, County Administrator  
FROM: Long Range Planning

RE: **Proposed Title VI – Animal Welfare Code Amendment**

In order to provide clarity in Kennel permitting, it would be necessary for Island County Planning to modify the following code sections to Title XVII.

#### **17.03.040 – Definitions**

- Add the following definitions:**

*Commercial kennel, large* means a place where, for compensation, fifteen (15) or more adult dogs and/or cats over six months of age, irrespective of duration, are boarded, bred, bought, sold, exhibited or trained.

*Facilities owned, operated, or maintained by or under contract to the county, pet shops, designated animal shelters, and veterinary clinics/hospitals where boarding is incidental to treatment are not commercial kennels.*

*Commercial kennel, small* means a place where, for compensation, five (5) to fourteen (14) adult dogs and/or cats over six months of age, irrespective of duration, are boarded, bred, bought, sold, exhibited or trained.

*Facilities owned, operated, or maintained by or under contract to the county, pet shops, designated animal shelters, and veterinary clinics/hospitals where boarding is incidental to treatment are not commercial kennels.*

- Remove the following definition:**

*Kennel* means the boarding, breeding, keeping or training places or the keeping or raising of five (5) or more household pets, at least six (6) months of age, which are owned by persons other than the owner of the property, may be permitted as a home industry. A kennel shall not include animal hospitals or veterinary clinics.

### **17.03.035 – Use Tables**

- Update Use Tables to reflect the changes in kennel definitions and intensity of use. This will be done while taking input from the public, Planning Commission, and Board of County Commissioners.

### **17.03.180.J – Home Industry**

- Clarify that a Commercial kennel, small is a Home Industry Use and establish proper regulations for use.

### **17.03.180.L – Institutional Uses**

- Clarify that a Commercial kennel, large is an Institutional Use and establish proper regulations for use.

### **17.06.220 – Non-Residential Uses (Freeland Code)**

- Establish requirements for Commercial kennel, small in the Freeland Code if appropriate. Use existing code for Commercial kennel, large.
- Kennels are currently allowed in the Freeland Non-Municipal Urban Growth Area in the following zones: NM (Non-Residential Mixed-Use) LI (Light Industry). Footnote 4 in the Non-Residential Uses table requires a 300-foot buffer from residential districts or existing residential development.

### **17.06.350.E – Institutional Uses, Kennels and Animal Shelters**

- Establish requirements for Commercial kennel, small in the Freeland Code if appropriate. Use existing code for Commercial kennel, large.



## Island County Administration

Michael Jones, MPA – County Administrator

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Email: Michael.jones@islandcountywa.gov | www.islandcountywa.gov

## MEMORANDUM

June 14, 2023

TO: Board of County Commissioners  
 FROM: Michael Jones, County Administrator  
 CC: Blaine Oborn, Oak Harbor City Administrator  
 RE: 2023 RCED Applications – City of Oak Harbor

The City of Oak Harbor submitted four timely applications for the Rural County Economic Development (RCED) program. A summary of the applications is proved in Table 1, below. A discussion of each application follows.

**Table 1**  
**Oak Harbor 2023 RCED Applications**

City of Oak Harbor	RCED Grant Application	Requested Amount	Match	Total
Marina Improvement	Marina Improvement Project	\$2,300,000.00	\$3,200,000.00	\$5,500,000.00
The Center	E. Whidbey Ave. & SE. Jerome St. Vulnerable Communities Multimodal Business Accessibility Improvements	\$378,450.00	\$42,050.00	\$420,500.00
Parks & Recreation	Pickleball Court Expansion	\$200,000.00	\$50,000.00	\$25,000.00
Public Works	N. Whidbey Sewer Expansion Design	\$405,000.00	\$45,000.00	\$450,000.00
	Totals	\$3,283,450.00	\$3,337,050.00	\$6,395,500.00

### Program Goals

The RCED program goals as outlined in Resolution C-19-18 are:

- A. Increase the number of ongoing, family wage jobs available to local residents.
- B. Retain businesses and/or facilitate the expansion of existing businesses within Island County.
- C. Attract new businesses to Island County that create family wage jobs.
- D. Support a stable and diversified local economy.

The Board should consider if each of the four proposals described in the applications meet the program goals, and whether to fund them, and at what level. The total requested exceeds the County's expected allocation of \$3.0 million.

## **Comment Period**

After the presentation to the Board of County Commissioners there is a two-week comment period provided to representatives from cities, towns, and ports located in Island County and the Economic Development Council.

## **Noncompliance with RCW 82.14.370**

Two of the submittals were determined ineligible for RCED funding during staff review. The Pickleball Courts and the Multimodal Access Improvements for the Center do not meet definitions of public facilities that promote the retention and creation of jobs under the RCW's.

### The Center

While a parking lot is a transportation facility, and a parking lot could be considered applicable for grant funds, it is unclear how parking lot improvements for a community center "facilitate the creation or retention of businesses and jobs in a county" as required by RCW 82.14.370. Staff recommends that this not be considered eligible, and therefore not complete.

The application notes that jobs may be at risk if the facility is not improved, and thus notes 20 jobs retained by the project. The application also indicates that eight jobs may be created as services increase at the community center. This would argue for eligibility of the project as it would "facilitate the creation or retention of businesses and jobs in a county." However, it seems unlikely that the public facilities would close if the parking lot were not improved.

An example of a parking lot that would likely be eligible would be a parking lot to increase customer parking in a downtown district.

### Pickleball Courts

Park and recreation facilities are not included in the list of public facilities in RCW 82.14.370. They could possibly be considered a "structure." That term is undefined in RCW 82.14.370. If the courts are deemed structures, the test that follows would be, do these structures support the retention and creation of jobs.

The application indicates the courts as providing general support for retailers selling pickleball equipment, lodging, and food and beverage outlets. The application indicates one job retained and one created by the project. It seems unlikely that this was the intent of the Legislature in creating the program. Conversely, large sports facilities are frequently seen as economic drivers.

Examples of a recreation facility that would likely be eligible are arenas, major recreation centers, and stadiums which host events and attract significant numbers of attendees

### Oak Harbor Marina Improvement Completeness Review

	Yes	No	Notes
Timely Submittal	X		5/15/23
Meets RCW 82.14.370	X		Port facilities are included in the RCW definition of public facilities
Included in plan(s)	X		The marina as a viable part of the downtown/waterfront district is referenced in the City's Comprehensive Plan
Consistent with Comprehensive Plan	X		
Application fully filled out	X		
Matching funds (10% or more)	X		City portion exceeds 50% of anticipated project budget.
Financial Plan included	X		The application includes a business plan for both the Oak Harbor Marina and the Mariner's Haven facility.
Permits documented	X		See note below.

The application appears to be complete per the requirements of the RCED policy. Permits for most of the work are documented.

The application notes that permitting is necessary, and the schedule indicates permitting to occur over twelve months in 2024. Some of the specific permits are noted in the Oak Harbor Dredging Project Proposal (Moffatt & Nichol, September 2022). No permits have been obtained. It is unclear in the County's policy if failure to note a building permit for the roofing and siding work for the Mariner's Haven building repairs, or some ancillary permit for the marina dredging would be considered grounds for determining the application incomplete.

### N. Whidbey Sewer Expansion Completeness Review

	Yes	No	Notes
Timely Submittal	X		5/15/23
Meets RCW 82.14.370	X		Wastewater facility
Included in plan(s)	X		This project not specifically listed in City's Comprehensive Plan, but infrastructure extension discussed more generally and extension into future growth areas is discussed.
Consistent with Comprehensive Plan	X		The project proposes design of sewer service into the City's IGA. That is consistent with the City's Comprehensive Plan.
Application fully filled out	X		
Matching funds (10% or more)	X		10% proposed
Financial Plan included		X	The application includes a Capital Improvement Plan cut sheet for sewer

			design and construction. Cost estimates do not match the grant funding request. Since the CIP was adopted Oak Harbor staff have developed new cost information.  See note below.
Permits documented	n/a	n/a	No permits are required for the design work. Permits will be needed for future construction.

The application appears to be complete per the requirements of the RCED policy.

One point of consideration is the requirement for a financial plan. It is unclear what such a plan would be for a design project. The City does conduct a capital planning process and budgets for project construction. If the design indicates there is a viable project, a construction plan would be developed and that would include an engineer's estimate and budget. A financial plan for design seems unnecessary.

The following two projects are believed to be ineligible for RCED funds.

#### The Center – Multimodal Accessibility Completeness Review

	Yes	No	Notes
Timely Submittal	X		5/15/23
Meets RCW 82.14.370		X	See page 2 of memo.
Included in plan(s)	X		Redevelopment of the parking and access improvements are not specifically listed in the City's Comprehensive Plan. The various services are discussed in the plan.
Consistent with Comprehensive Plan	X		
Application fully filled out	X		
Matching funds (10% or more)	X		10% proposed
Financial Plan included		X	A financial plan was not submitted. It may be unnecessary for a parking lot development/redevelopment project. A Capital Improvement Plan cut sheet was submitted indicating the project budget at \$420,500.
Permits documented		X	No permits were noted. Presumably a site plan review and/or approved civil plans, NPDES <sup>1</sup> permit, and others may be needed for the project.

<sup>1</sup> NPDES or National Pollution Discharge Elimination System is a temporary stormwater discharge permit

### Pickleball Court Expansion Completeness Review

	Yes	No	Notes
Timely Submittal	X		5/15/23
Meets RCW 82.14.370		X	See page 2 of memo.
Included in plan(s)	X		Not specifically listed in the City's Comprehensive Plan.
Consistent with Comprehensive Plan	X		Recreation facilities in parks would be consistent
Application fully filled out	X		
Matching funds (10% or more)	X		20% proposed
Financial Plan included		X	A Capital Improvement Plan cut sheet is included, but it does not match the proposed project described in the application. It is for a 2-court expansion of an existing facility.
Permits documented		X	No permits are noted in the application. Presumably a site plan review and/or approved civil plans, NPDES permit, and others may be needed for the project.

## Island County Rural County Economic Development Infrastructure Investment Program- 2023 Funding Application

Island County Board of Commissioners / Attn: County Administrator  
1 NE 7th Street, Coupeville, WA 98239 / (360) 679-7311 [www.islandcountywa.gov](http://www.islandcountywa.gov)

SUBMISSION DEADLINE IS 4:30pm May 16, 2023.

---

### Part 1: Applicant Information

**Organization Name**

City of Oak Harbor

**Address**

865 SE Barrington Drive, Oak Harbor, Washington 98277

**Primary Contact Name**

Blaine Oborn

**Phone**

(360) 279-4501

**Email**

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

### Part 2: Project Information

RCW 82.14.370 (3) defines "public facilities" as bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, commercial infrastructure, and port facilities in the state of Washington.

**Project Name**

North Whidbey Sewer Expansion Design

**Location**

Oak Harbor

**Description**

The North Whidbey Sewer Expansion is proposing to expand the City of Oak Harbor's sewer system from Crosby Road to Ault Field Road inroad via Oak Harbor Road into the Urban Growth Area (UGA).

**Use of funds**

The funds being requested will be used for the design phase of the expansion project.

## Part 3: Required Resources

Total funding requested from Distressed/Rural County Sales and Use Tax to fund public facilities projects in Island County

**Total funding requested**  
\$405,000.00

Amount primary sponsor/organization is contributing to this project

**Sponsor Funded Amount**  
\$45,000.00

### Other Funding Sources

**Total Project Cost**  
\$450,000.00

#### Comments

The area benefitting by this expansion project is zoned Industrial, Planned Industrial Park, Planned Business Park and Residential. There are 142 distinct parcels affected by this expansion effort. If not funded, the area will most likely stay undeveloped for the foreseeable future. The City is interested in supporting growth in that part of the UGA and starting the project with the design phase funded through the RCED will keep the project moving ahead.

## Part 4: Growth Management

Per RCW 82.13.370 (3)(a), the project must be listed as an item in the County's adopted overall economic development plan, or the economic development section of the County's comprehensive plan, or your city or town's comprehensive plan. **Under which plan is the proposed project contained? (Please attach a resolution or ordinance documenting that the appropriate authority has included the project in one of the above plans).**

#### Name of Plan

Oak Harbor's Comprehensive Plan, Economic Development Element

#### Copy of Resolution/Ordinance



[City Council 05022023.pdf](#)



#### Project Location

North Oak Harbor & UGA

#### Zoning

Industrial, Residential, Commercial

#### Compatibility

Economic development is embedded in every part of the City's planning documents, from the Comprehensive Plan to the Capital Improvements Plan. One of the main goals of the Comprehensive Plan is economic development and the vitality of Oak Harbor. Another goal under Land Use is "Support a vibrant economy." Under this goal is the specific policies to "Support the retention and expansion of industrial uses by utility services extensions and public infrastructure improvements" and "Support the development of business parks..." This project will directly support these efforts.

## Part 5: Value Proposition

#### Supports Business(es)?

Yes

#### Supported Businesses

##### Business 1

###### Business Name

Miles Sand & Gravel

##### Business 2

###### Business Name

North Whidbey's Sportsmen's

##### Business 3

###### Business Name

**Business 4****Business Name**

Burt's Saw &amp; Mower

Describe, in specific detail, how this project will create jobs and/or allow for the retention of current jobs.

**Explain Jobs Impact**

This project will bring sewer infrastructure to 142 distinct parcels of land with various zoned uses including Commercial, Industrial, Planned Industrial Park, Planned Business Park, and Residential. A large area to be served is in the UGA. There are a number of businesses along Oak Harbor Road that will directly benefit from having sewer infrastructure available. These include Miles Sand and Gravel and Mailiard's Landing Nursery. The project can stimulate new businesses to develop in the zoned Industrial, Planned Industrial Park, and Planned Business Park areas north of the City. The area potentially served will be 375.9 acres. Job creation estimates are preliminary at this time. With a new Economic Development Coordinator on staff, efforts will be made to identify appropriate industries and encourage private development of new businesses within this area. While not specifically known, jobs created in this area will most likely be industrial in nature. Most industrial jobs are full-time and provide a living wage. Industries with high-paying, sustainable jobs will be sought to occupy the area.

Provide information on the following: (1) the average wage, including benefits, and the number of new jobs/FTEs; and (b) the average wage, including benefits, anticipated as the result of the project. Please be as specific as possible. **Generic information may not be scored. Do not include any construction-related jobs.**

Number of Jobs/FTEs	Retained	Created 1-3 Years	Created 4 Years
	30	70	100
Average Wage/FTE	Retained Wage	Created 1-3 Years Wage	Created 4 Years Wage
	\$60,552.00	\$62,640.00	\$64,728.00

How will this project improve local infrastructure capacity? How much additional capacity will be provided for future development? Please be specific in your answer.

**Infrastructure Benefit**

This project has a direct infrastructure benefit to the City and the County. It will increase the acreage in North Whidbey with sewer service available to connect directly to the City's state-of-the-art Clean Water Facility. The project will potentially serve 375.9 acres, the majority of which can be developed and/or expanded. The project also allows for private development with an increased density.

The City installed sewer under Goldie Road in 2009 and this area is now being developed. TSI, an electronics manufacturing company, would have left Oak Harbor if the City had not installed sewer. The City would expect to see similar private capital investment and development on Oak Harbor Rd once sewer infrastructure is available.

Provide evidence of local commitment (both financial and community). How does this project stimulate private capital investments that benefit the community and public-at-large? Please be specific in your answer.

**Community Benefit**

Several development applications have been submitted to the City in this area and the lack of an available gravity connection to the City sewer main has been a challenge for the projects to move forward. Not having the built infrastructure has been a detriment to new private capital investments and development that would benefit the community. This project will address this obstacle and will help stimulate private capital investments that will ultimately benefit the community and public-at-large by bringing in new businesses with living wage jobs.

**Part 6: Project Timeline**

Provide a timeline for the project. Please include specific deadlines for segments or phases of the project, including total project begin date and completion date.

Project Start Date	Project End Date
1/1/2024	12/31/2025

**Project Phases****Phase 1**

Phase Name	Applying for funding?
North Whidbey Sewer Expansion Design	Yes

Phase Start Date	Phase End Date
1/1/2024	12/31/2025

## Efforts To Date

The project was added to the Capital Improvement Plan in Fiscal Year 2022. The Design Phase is the first step in expanding sewer service to the north end of the City and UGA. A consultant will be hired to design the entire project using this funding, if awarded.

## Part 7: Action Plan

### Action Plan Description

The City Engineering Department will use standard operating practices to track the following quantifiable measures to ensure success of the project:

North Whidbey Sewer Expansion Design

1. Project schedule with updates
2. Cost estimates for design elements
3. Consultant work plan
4. Consultant timeline
5. City Council and Community Presentations
6. Interim Design Plans reviewed by City Engineer(s)
7. Final Design Plan approved by City Engineer(s)

## Part 8: Miscellaneous

### Other Information

Because the construction phase of this project will be significant, funding is being requested for just the design piece of the project at this time. The next step will be to secure City funding sources, including System Development fees and additional infrastructure grants or loans to begin the next phase of construction of the sewer expansion.

### Supporting Documents

#### Document 1

Document Name  
Zoning and Design Phase Map

Document Type  
Drawing

#### Upload



[ENG2204ConceptMapAndAnalysis\\_CountyZone.pdf](#)  
0.9 MB

#### Document 2

Document Name  
Capital Improvement Plan

Document Type  
Budget

#### Upload



[CIP North Whidbey Sewer Expansion.pdf](#)  
0.5 MB

#### Document 3

Document Name  
Comprehensive Plan

Document Type  
City Comp Plan

#### Upload



[2023 Comprehensive Plan - FINAL and APPROVED.pdf](#)  
24.1 MB

## Part 9: Applicant Certification

The applicant here certifies and affirms (1) that it does not now, nor will it during the performance of any contract arising from this application, unlawfully discriminate against any employee, applicant for employment, client, customer, or other person who might benefit from said contract, by reason of age, race, color, ethnicity, sex, religion, creed, place of birth, or degree of handicap; (2) that it will abide by all relevant local, state and federal laws and regulations; and (3) that it has read and understood the application instructions and restrictions in each part above and will comply with all provisions thereof.

Signature

Certification Date

5/15/2023

*Blaine D. Oborn*

---

Printed Name

Blaine Oborn

Title

City Administrator

FUND: 432

BARS#: 432.00.594.35.6300

Project: swr2201

FY 2022-2027 CAPITAL PROJECTS

**PROJECT DESCRIPTION:** This project is to begin the design process for the installation of a lift station and all related infrastructure to serve the North Enterprise Zone.

**PROJECT NEED:** Needed to provide infrastructure to the North Enterprise Zone.

**DEVELOPMENT PLAN & STATUS:** Because of the size and scope of the project, the city will need to retain a consultant to determine the service area, size the lift station, and sewer main locations. The scope of this work may change and result in a reduction in project cost.

**COST & FINANCING DATA:** The project will be funded by Grants and System Development Fees (Fund 412).

COST ASSUMPTIONS	
Engineering Services	\$350,000
Pre-Design/Feasibility	\$100,000
Machinery & Equipment	\$ -
Construction Services	\$4,200,000
Subtotal:	\$4,650,000
Contingency Fees	\$840,000
<b>TOTAL:</b>	<b>\$5,490,000</b>

## FUND 432—SEWER CAPITAL

### North Whidbey Sewer Expansion

#### ESTIMATED PROJECT & PURCHASE TIMELINE

Pre-Design: FY 2022

Engineering/Design: FY 2023

Purchase/Construction: FY 2024-2025

Estimated Completion: FY 2025

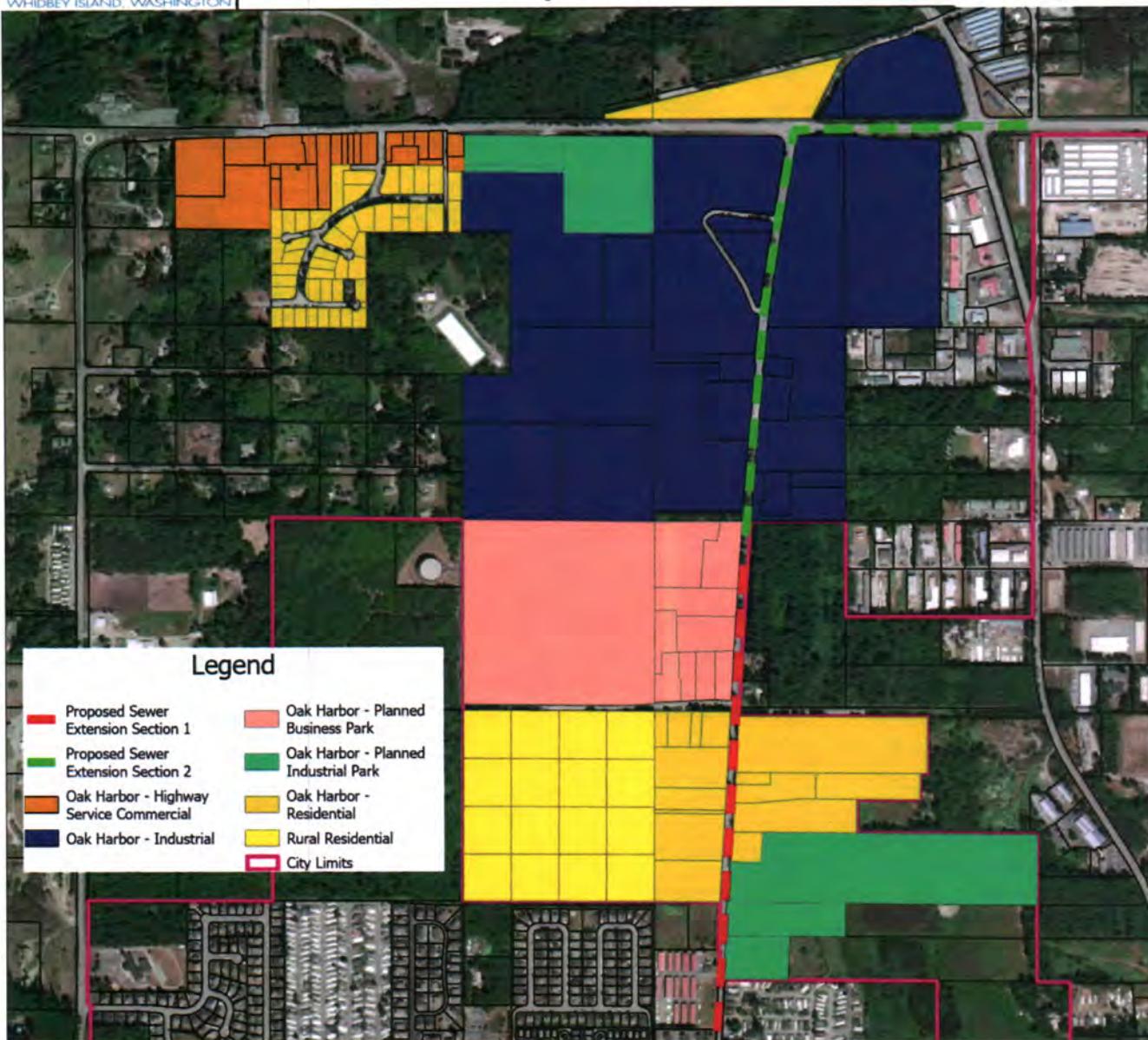


REVENUE SOURCE	FISCAL YEAR FUNDING REQUESTS							
	SPENT TO DATE	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	6 YR TOTAL
System Development Fees	-				\$1,000,000			\$1,000,000
Unsecured			\$100,000	\$350,000	\$4,040,000			\$4,490,000
<b>TOTAL REQUESTED FUNDS:</b>	<b>-</b>		<b>\$100,000</b>	<b>\$350,000</b>	<b>\$5,040,000</b>			<b>\$5,490,000</b>

\*Spent to Date is up to 12/31/2021 as of 1/14/2022



# City of Oak Harbor North Whidbey Sewer Expansion



There are 142 distinct tax parcels in the proposed North Whidbey Sewer Expansion Area, comprising a total of 375.9 acres, the largest of which is 38.8 acres, and the average parcel size of 2.67 acres. There are 44 parcels in the area along the proposed expansion of the Gravity based Sewer Main along Oak Harbor Road that could potentially benefit from the proposed 1st section of extension. The 2nd section of extension connecting Oak Harbor Road to Goldie Road via Ault Field Road would potentially benefit an additional 24 parcels.

Reviewing City of Oak Harbor Land Use Designations, we find the following parcel counts by Land Use in the Urban Growth Area that would benefit from an extension of the Oak Harbor Sanitary Sewer into the area.

Oak Harbor - Highway Service Commercial: 22  
Oak Harbor - Industrial: 23  
Oak Harbor - Planned Industrial Park: 6  
Oak Harbor - Planned Business Park: 10  
Oak Harbor - Residential: 63  
Rural Residential - 16

In addition to the above, two private tracts for access are in the area.

Of the above counts, 3 Planned Industrial Park, 10 Planned Business Park, 16 Rural Residential and 15 Residential parcels would benefit from the proposed Section 1 extension of the Oak Harbor Sanitary Sewer, while 23 Industrial parcels and 1 Residential parcel would benefit from the Section 2 extension..

In total, the two sections of expansion would provide the opportunity to serve sewer utility to 68 of the 142 parcels in the area.

This map and analysis provided by City of Oak Harbor Engineering Technician Jon Pollock for the purposes of serving as an Exhibit in support of a grant application for the Island County Rural County Economic Development Infrastructure Investment Program.

This map was generated on May 11th 2023 using GIS information from Island County and the City of Oak Harbor and the Island County and City of Oak Harbor Comprehensive Plans.

This map is presented AS-IS with all faults and defects arising from the source material. Neither the creator, nor the City of Oak Harbor are liable for damages arising from use of this map.



**CITY COUNCIL ACTION AGENDA**  
Council Chambers, 865 SE Barrington Drive

May 2, 2023

6:00 PM

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Meeting may be viewed live via YouTube at [www.youtube.com/cityofoakharbor](https://www.youtube.com/cityofoakharbor), on Facebook, or following the meeting on Channel 10/HD1090

### **CALL TO ORDER**

Invocation - Led by Reverend Greg Steible, Whidbey Presbyterian Church

Pledge of Allegiance - Led by Mayor Severns

Excuse Absent Councilmembers – all were present

### **1. APPROVAL OF AGENDA**

### **2. PRESENTATIONS**

- a. Proclamations
- b. Honors & Recognitions
- c. Community Presentations

### **3. CITIZEN COMMENT PERIOD**

Citizens may comment on subjects of interest not listed on the agenda or items listed on the Consent Agenda. To ensure comments are recorded properly, state your name clearly into the microphone. Please limit comments to three (3) minutes to ensure all citizens have sufficient time to speak. **The City received two comments, submitted online from Steve Adams and Paul Girouard, regarding concern over an encampment near Home Depot.**

Two citizens provided comment at the meeting:

Fannie Dean, regarding interest in purchasing the city owned property next to the church where she is a pastor, requesting the City consider selling the property to the church for a discounted valuation, and inviting all to their Juneteenth celebration next month.

Larry Munns, Director, Northwest Region Intruder Association, addressed the Council to offer letters of appreciation to staff members for the cleaning of the aircraft and grounds at Gateway Park. He thanked Kevin Scheer and Aaron Hoff of the Streets Department and Tally Hucke, Jammie Hulse, Dustin Croucher, Eric Hannan, and Brian Rivers of the Parks Department.

### **4. CONSENT AGENDA – All items were APPROVED as presented**

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

#### **Consent Items**

- a. Approval of Minutes: Council Meeting of April 18, 2023 and Council Workshop of April 26, 2023
- b. Approval of Payroll and Accounts Payable Vouchers
- c. Agreement with D&P Electronic Home Monitoring, LLC for Electronic Home Monitoring of eligible offenders.
- d. Purchase Authorization: Parks and Recreation Department Bus

## 5. MAYOR, COUNCIL & STAFF COMMENTS

- a. Mayor – Thanked all departments and staff participating in Holland Happening, Arbor Day, and the Whidbey Island Marathon events.
- b. Councilmembers – Councilmembers Munns, Woessner, Stucky, Hoffmire and Mayor Pro Tem Hizon provided updates and comments. All voiced support for the work of the staff and for the Police Department in dealing with the encampment issue.

At Mayor's request, Chief Dresker responded in regard to the encampment. He explained the role that the Police Department plays in our community, low staffing challenges, and the development of new officers. The Police Department must operate within case and state laws when responding. Chief Dresker talked about his staffs' compassion, their desire to assist the public, and challenges within the requirements of the law.

In regards, to Home Depot he explained that the situation is not the responsibility of City Council. The Council is responsible for confirming that the Chief of Police and Police Department staff do an excellent job serving the community and he noted his appreciation for their support.

Chief Dresker explained the legislation issue regarding narcotics. The Blake Decision law expires on July 1 and with that expiration, narcotics will no longer be illegal. He is monitoring what other Washington cities are doing to create their own laws and is working with the City Attorney and City leadership to prepare an item for Council. Governor Jay Inslee has called all legislators back into Special Session May 16th to attempt to pass a law before the deadline. Chief Dresker will provide additional updates to the Council at a future meeting.

Chief Dresker also thanked Councilmember Munns for her comments about Sgt. Valenzuela's assistance of a citizen and thanked Larry Munns and Oak Harbor Youth Sailing for their work to aid an individual with mental illness who needed assistance in the Oak Harbor Bay near the Marina. The Youth Sailing rescue boat assisted police in retrieving the individual from the water.

## 6. PUBLIC HEARINGS & MEETINGS

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

- a. None

## 7. ORDINANCES & RESOLUTIONS

- a. Resolution 23-10: Authorizing the Expenditure of Arts Commission Funds for the Mural Wrapping of Electrical Utility Transformers – Senior Services Administrator Liz Lange introduced Parks Board member J.R. Russell who presented the resolution.

**Motion:** Councilmember Woessner moved to approve the resolution, seconded by Councilmember Munns. The vote on the motion carried unanimously.

## 8. CONTRACTS & AGREEMENTS

- a. None

## 9. OTHER ITEMS FOR CONSIDERATION

- a. Approval of Potential 2023 Rural County Economic Development Fund - Grant Application – Presented by City Administrator Blaine Oborn. Blaine explained the City received notice of the grant application

period just weeks ago with a due date of May 16, 2023. He reviewed past applications and noted examples of awards the City has received and those it has not received. Blaine submitted a list of possible new grant requests and requested Council to pick two or three, with staff's recommendation: Marina Dredging, Center Parking Lot Remodel, Pickleball Courts.

**Motion:** Following discussion, Mayor Pro Tempore Hizon moved to authorize the submission of a grant application to Island County for the Rural County Economic Development Program for Marina Dredging, The Center parking lot, Pickleball Courts, and North Whidbey Sewer Extension, seconded by Councilmember Hoffmire. Councilmember Marshall offered a friendly amendment, with a second by Councilmember Woessner, to change the amount of North Whidbey Sewer Extension by \$450,000. The vote on the friendly amendment passed unanimously. Mayor Severns then called for a vote on the motion as amended which passed unanimously.

#### **10. REPORTS & DISCUSSION ITEMS**

- a. Fire Department Annual Report – Chief Merrill presented the Fire Department's 2022 Annual Report. He thanked Angela for putting together the presentation, and the fire department for their service. Mayor Severns and Councilmembers Stucky and Hoffmire also provided their respective comments and thanks.
- b. Transportation Benefit District Annual Report – Finance & Performance Analyst Chas Webster and City Engineer Alex Warner presented the annual report for 2022. Alex also reviewed upcoming projects for 2023. Councilmembers Stucky and Hoffmire provided their respective comments and thanks.

#### **11. EXECUTIVE SESSION**

- a. Per RCW 42.30.110(1)(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price; and Per RCW 42.30.110 (1)(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price.  
Anticipation: 30 minutes. Mayor Severns noted action might or might not be taken upon return to the open session.

The Council moved into executive session at 8:00 p.m. At 8:30 the Council came out of executive session and resumed the open session of the meeting. Mayor Severns noted no action was taken in Executive Session. He called upon Harbormaster Sublet for a presentation.

#### **Mariners Haven Boatyard Purchase**

Harbormaster Chris Sublet presented the purchasing details.

**Motion:** Councilmember Woessner moved to authorize the Mayor to sign and execute all the necessary contracts and documents for the purchase of Mariners Haven Boatyard with the addition to extend the feasibility contingency date and period of examination to November 1, 2023, seconded by Councilmember Munns. The vote on the motion passed unanimously.

**ADJOURN** 8:36 p.m.



Comprehensive Plan

# Oak Harbor → 2036

## *A Vision for the Future*



## Acknowledgements

### 2022 City Council

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Mayor Bob Severns

Tara Hizon

Beth Munns

Jim Woessner

Dan Evans

Shane Hoffmire

Bryan Stucky

Eric Marshall

### 2022 Planning Commission

---

Greg Wasinger

Bruce Freeman

Kristy Southard

Sarah Schacht

Andy Plumlee

John Chaszar

Stephanie Mischo

### 2022 Staff

---

Blaine Oborn, City Administrator

David Kuhl, Development Services Director

Cac Kamak

Dennis Lefevre

Ray Lindenberg

*Updated to incorporate the 2022 Comprehensive Plan Amendments per Ordinance No. 1966*

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# Oak Harbor → 2036

## *A Vision for the Future*

*Oak Harbor, Whidbey Island's premier waterfront community, takes pride in a diverse culture rooted in history, and boasts a state-of-the-art educational system, a robust economy, and recreational opportunities for the whole family.*

**Culture:** Ancient Garry Oak trees grace the skyline in a city that invests in its waterfront and beautiful views. A town rich in diverse culture, Oak Harbor fosters art and hosts world renowned races, annual concerts, exciting parades, and family-friendly festivals. The city promotes a diverse housing stock, and clean and safe neighborhoods through community watch and policing. The connection between the urban environment and natural areas is highly valued. Here, the native landscapes are preserved and wild life is protected. Adopting innovative and environmentally sensitive development practices, Oak Harbor maintains local ecosystems and promotes green energy opportunities and growth.

**Education:** Oak Harbor is a place where education will remain at the forefront of our agenda. The school system includes cutting-edge educational, art and sports programs, as well as a community college that constantly expands and tailors its programs to fit the community's needs.

**Economy:** Oak Harbor is a state-of-the-art city with a vast public transportation system, great infrastructure and fast communication networks. Small businesses thrive and expand, and large, diverse companies locate here, offering high paying, low impact jobs. Oak Harbor's multimodal street network emphasizes interconnectivity of roads and creative levels of service delivery. Downtown is vibrant with diverse businesses, quaint bars, outdoor cafes and street performers. Ultramodern police and fire departments along with local hospitals provide safety, high-quality health care, community services and employment.

**Recreation:** Emphasizing outdoor recreation, Oak Harbor offers extensive exercise trails from its waterfront promenade to city parks, wildlife corridors, wetlands and state parks. A city-owned marina serves local needs while inviting visitors, sporting events, seaplane transport and more. Safe pedestrian access and bicycle lanes are integrated into the transportation network facilitating easy access to outdoor recreation.

*Home of Naval Air Station Whidbey Island and its proud military heritage, Oak Harbor maintains a small-town atmosphere and lifestyle by respecting history and diverse cultures and by sustaining an affordable cost of living, making this town a place where the children of yesteryear come back to raise their families today.*

**It is Whidbey Island's premier waterfront community, it is  
Oak Harbor**

## Introduction and Vision

*Oak Harbor's Comprehensive Plan is the city's foundational policy document that will guide growth and development for the next twenty years and beyond. Today, Oak Harbor is known as a community with beautiful views, natural areas, Garry Oaks, eclectic neighborhoods, state-of-the-art education, military heritage and recreational opportunities. The Waterfront Trail, Windjammer Park, Oak Harbor Marina, Freund Marsh, and NAS Whidbey are some of Oak Harbor's many assets. This Plan seeks to preserve and improve upon the City's many assets, while striving for the change that the community desires - and steering it toward its long term Vision.*

Oak Harbor is the largest city on Whidbey Island with a population of 22,000 (Washington Office of Financial Management, 2015). State Route 20(SR 20) runs through the town dissecting the town into an east and west area that are distinct in character. Most of the city's commercial services are located along the highway. These services cater not only to Oak Harbor, but also to north and central Whidbey. The area east of SR 20 is characterized by a mix of residential uses - mostly post-war modern ranch homes - with a gridded street pattern and a mix of commercial services along Midway Boulevard and Pioneer Way. The area west of SR 20 is characterized by mostly newer residential development, curvilinear streets, and cul-de-sacs. The commercial area on Pioneer Way between City Beach Street and Midway Boulevard is the original center of commerce for Oak Harbor and is referred to as Old Town

or Downtown. Oak Harbor is also home to NAS Whidbey, a naval aviation installation for tactical electronic attack and reconnaissance squadrons. NAS Whidbey has its Ault Field operation to the north of the city and its Seaplane Base to the east. The Seaplane Base with its commissary and housing is within Oak Harbor's city limits. A portion of the west side of Seaplane base was acquired by the City and is now the Oak Harbor Marina, one of only two city-owned marinas in Washington.

Oak Harbor cherishes its diverse character and history and embraces the future. The Comprehensive Plan sets out the community's vision for the future, lays out a groundwork of planning policies to guide city actions, and provide a framework so that city departments and community organizations work together toward common goals.

The Vision of the Comprehensive Plan establishes the community's desire for how the city should change and what it should retain. The Vision is ambitious, yet achievable. It creates a dynamic tension that will challenge the community to continue to work to improve the qualities of the city.

The Vision ties directly to the plan's elements, or chapters, that provide the city's long-range policy direction for a number of topics. These policies serve as the basis for city regulations, capital investments, programs, and other actions. Together, the Vision and the policies help ensure that the work of the city is coordinated and helping the community achieve its potential.

# Chapter 1 → The Comprehensive Plan

*A city's comprehensive plan is vital in preparing for future growth and emerging challenges, such as housing needs, transportation improvements and environmental stewardship. People need a safe and secure place to live, an economy that provides jobs, ways to get around, schools and colleges, and recreational opportunities. It is the city government's responsibility to provide public services and facilities to develop policies and to adopt regulations to guide the growth of a city that meets the needs of its people. The Comprehensive Plan captures community goals and establishes specific policies that directly influence how the city will grow and change over time.*

## Comprehensive Plan Development

The development of a comprehensive plan for a city draws from various sources: community preferences derived from various public participation channels, public discussions, adoption of plans and studies, and other decisions. These preferences indicate the community's desire and should therefore play an important role in developing the plan. Community input is vital. However, a community's profile that includes demographics and other data helps in identifying trends that community preferences may not provide. Therefore, census and other local data help to identify changes that a community as a whole can be facing and to plan accordingly. A city's comprehensive plan should also meet the state requirements and should be consistent with local regional efforts such as the County Wide Planning Policies (CWPP), regional transportation plans etc.



Figure 1- Comprehensive Plan Development

## Comprehensive Plan Structure

The Comprehensive Plan structure is designed to meet the needs of the City. The requirements of the GMA are included in this structure either as an element or an implementation plan. For Oak Harbor, the Comprehensive Plan warehouses policies for specific elements of the city. Some of these elements are mandated and others are optional or a community choice. Elements within the Comprehensive Plan can be standalone plans or generalized policy documents governing specific functional or departmental plans.

It is important to maintain a coherent structure to planning efforts within the City. A coherent structure will provide the opportunity to test future plans for consistency. The relationship between the various plans and amendments should be reviewed periodically, along with the Comprehensive Plan major updates, and amended as needed.

## Elements of the Plan

The Comprehensive Plan is the City's foundational policy document. It is one of the places that various city plans and programs come together to work toward a single community vision for the future. As an "umbrella" document, the plan's policies guide other city plans, neighborhood area plans, spending on capital projects, development of regulations, and other programs and services, all of which affect the community in large and small ways.

### Land Use Element

Growth in Oak Harbor will need to be managed between greenfield and infill development to accommodate the projected population and employment growth. The distribution of land uses are planned with the Generalized Land Use map. Policies provide the foundation for existing codes as well as manage changes within and between land-use

categories. The Land Use Element also identifies unique neighborhoods within Oak Harbor that have a mix of uses, densities and street patterns. The need to preserve or redevelop the character of these different areas will require a varied approach to the creation and application of policies.

### Urban Design Element

Oak Harbor is surrounded by breathtaking views and landscapes. Greenery weaved into the urban fabric, along with aesthetically pleasing structures, are important in preserving the essence of what makes Oak Harbor a great place to live and work.

### Parks, Recreation and Open Space

Integral to the well-being of a city is its system of parks and trails. A well-connected system will include space, trails and pathways that are accessible to all for a healthy, active community.

### Housing

A diverse housing stock provides choices in living styles for the citizens of Oak Harbor. The City strives to accommodate diversity and density in housing, including affordable housing options, by providing a range of choices for all demographic groups.

### Utilities

Coordination between all the utilities provides for an efficient system that manages change and growth while maintaining resiliency and peak functionality.

### Transportation

State Route 20 runs through the City forming a commercial corridor that serves Oak Harbor and the region. Strategies to improve multimodal connection to and across the highway will increase interconnectivity and accessibility within Oak Harbor. Improving the waterfront trail and its interconnectivity to the regional system, while accommodating bicycle and pedestrian modes into the network, will provide healthy choices and recreational opportunities.

## Urban Growth Area

Planning for and within the Urban Growth Area will require coordination with Island County to assure that urban development occurs within the city limit where urban services are available. Designating land uses in the UGA will need to be balanced with transportation and service demands.

## Environment

As growth and development occur, Oak Harbor is working to build a healthier, greener and more sustainable future for generations to come. New developments are designed to fit within, and protect or restore, the natural systems, fish and wildlife habitat and natural resources.

## Capital Facilities

Oak Harbor should program its limited resources to address the infrastructure and evolving needs created by the community's growth. Improvements must be coordinated with the City's infrastructure plans.

## Government Services Element

In order to provide the best public service possible, the City needs to coordinate its activities with the various departments, agencies, districts etc.

## Community Coordination

The City understands the importance of NAS Whidbey and its operations on Whidbey Island. The City and the Navy benefit from enhanced communication and coordination between their various activities and services.

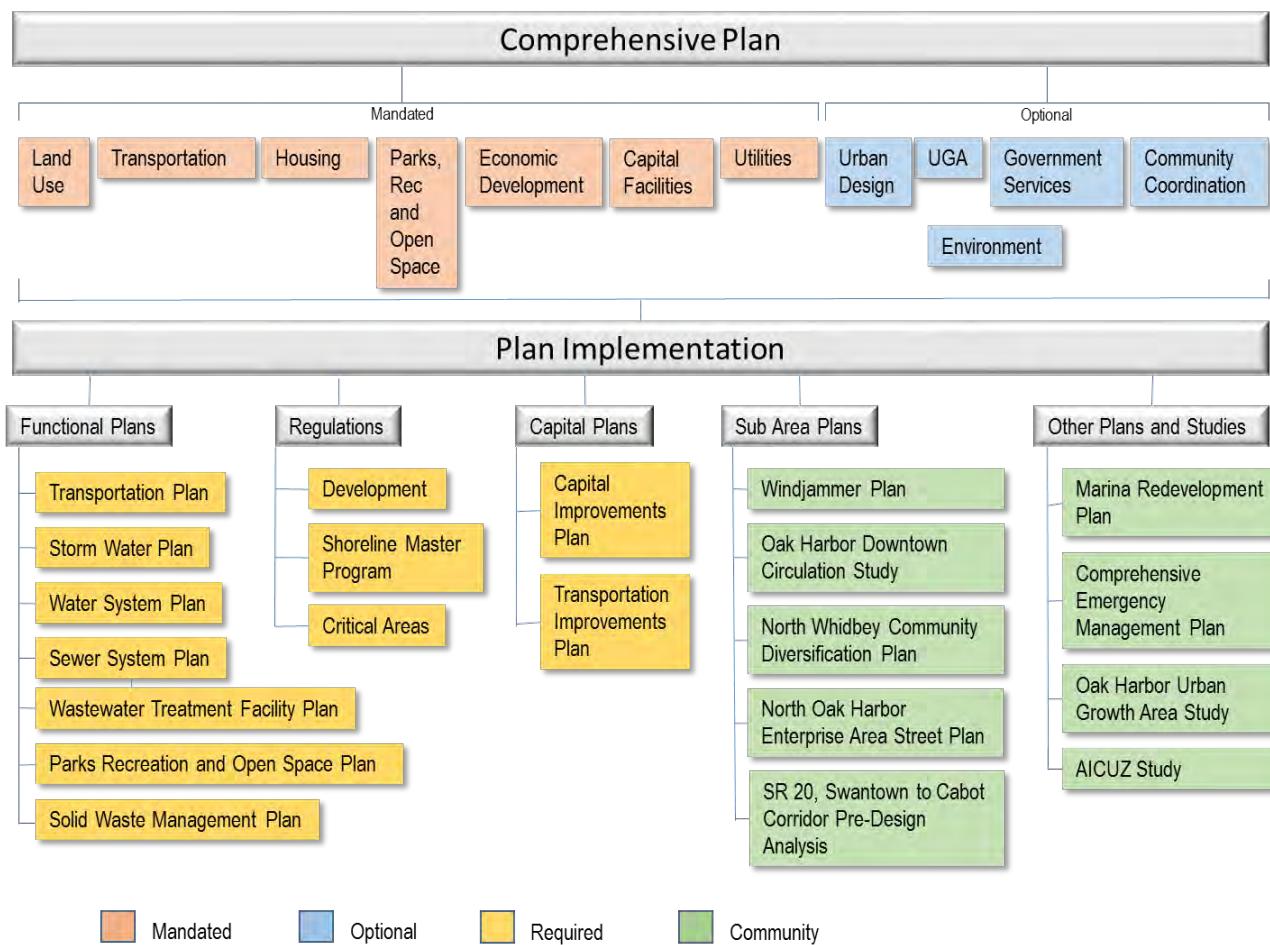


Figure 2 - Plan Implementation

## Implementing Documents

	Year Adopted
Shoreline Master Program	2021
Comprehensive Water System Plan	2014
Comprehensive Sewer System Plan	2007
Comprehensive Storm Drainage Plan	2007
Comprehensive Solid Waste Management Plan	1994
Parks, Recreation and Open Space Plan	2019
North Oak Harbor Enterprise Area Street Plan	2001
North Whidbey Community Diversification Action Plan	1994
Windjammer Park Integration Plan	2016
Wastewater Treatment Plant Facility Plan	2013
Comprehensive Emergency Management Plan	2013
Capital Improvements Plan	Annual
Transportation Improvements Program	Annual
State Route 20, Swantown Road to Cabot Drive	2005
Transportation Plan	2016
Housing Action Plan	2021

To implement the Vision for Oak Harbor, the City adopts plans or studies that are focused on specific elements or issues that provide additional data analysis and policy directions and that identify infrastructure needs and solutions.

## Amending the Comprehensive Plan

The Comprehensive Plan is intended to be a living document that is consistently reviewed and referenced. Some elements or plans are required to be updated annually and others by a periodic cycle established by the state. All amendments must follow the public process established by code and include early and continuous public input.

## Chapter 2 → Oak Harbor Profile and Projections

Oak Harbor is the largest city in Island County with a population of 22,000<sup>1</sup>. The City benefits from the presence of NAS Whidbey, which employs 10,066<sup>2</sup> personnel that includes workers from outside the north Whidbey area. Washington State Route 20 runs through the city and serves as the primary commercial corridor with large retail stores mixed with strip centers and shopping complexes. Midway Boulevard is a secondary commercial corridor with smaller retail

establishments mixed in with some larger commercial complexes. Old Town, along Pioneer Way, is considered the downtown of Oak Harbor. It was the historical trade center for Oak Harbor before the Deception Pass Bridge was built and the Maylor Dock was destroyed by fire.

### Population

According to the 2010 Census, Oak Harbor's population is mainly White, making up approximately 72.6% of the total population, followed by Asian (10.2%) and Black (4.9%).

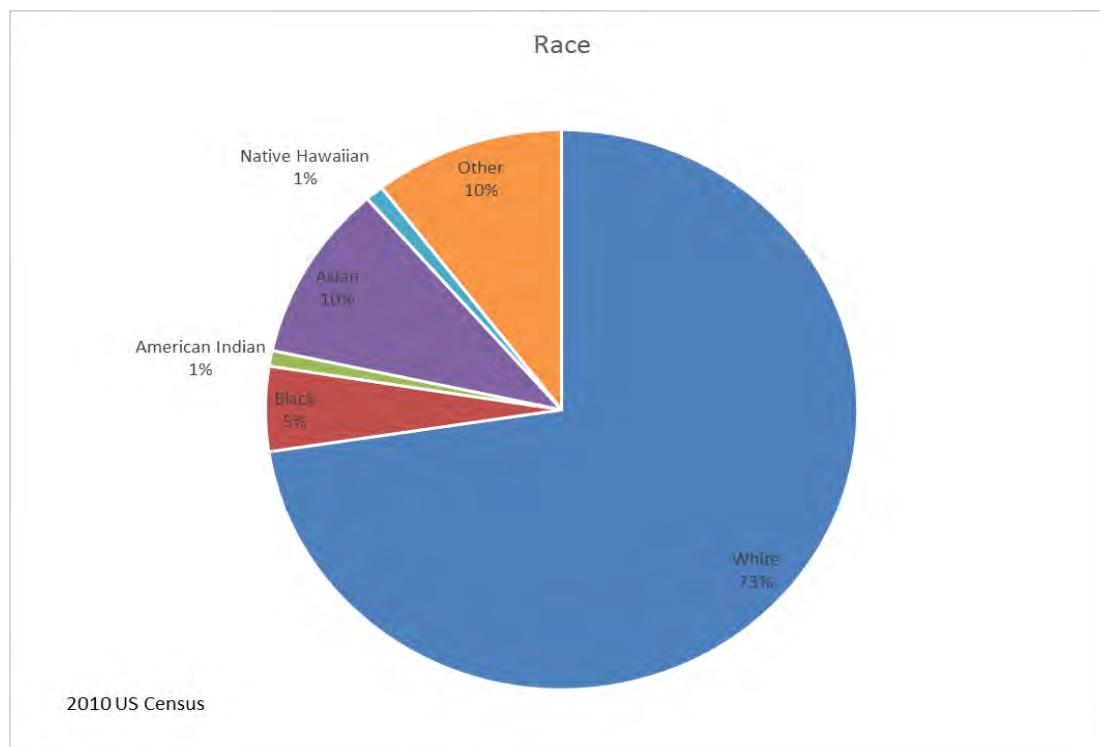


Figure 3- Race in Oak Harbor

<sup>1</sup> 2015 Office of Financial Management projections

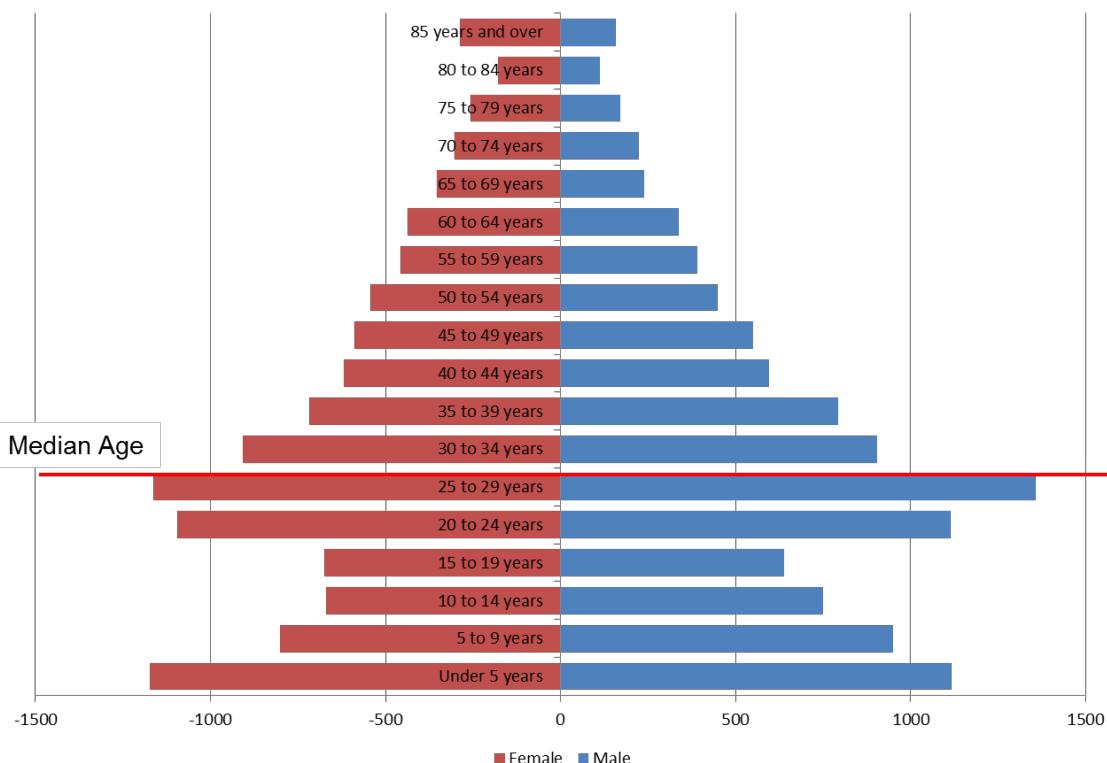
<sup>2</sup> 2012 Final Environmental Assessment – Transition of Expeditionary EA-6B Prowler Squadrons to EA-18G Growler

The population of Oak Harbor has more females (50.8%) than males. Every age group above age 40 has more females than males with females in the 85+ category almost doubling the males. As seen in the age-sex cohort population distribution below, the overall pyramid shape indicates that 50% of the people in Oak Harbor are below 29 years old (median). This indicates that Oak Harbor's population is fairly young compared to that of Island County (43.2) and Washington (37.3). This is due to the presence of NAS Whidbey, its young sailors and their families.

## Households

There are 8677 households in Oak Harbor, of which approximately 66.7% are family households. In the nonfamily households, 26.9% of residents live alone, and of those who live along, 8.5% are over the age of 65. Of all households, 38.6% have individuals under the age of 18 and 18.9% have individuals over 65 years old. The average household<sup>3</sup> size in Oak Harbor is 2.53 and the average family<sup>4</sup> size is 3.09.

## Age-sex population cohort

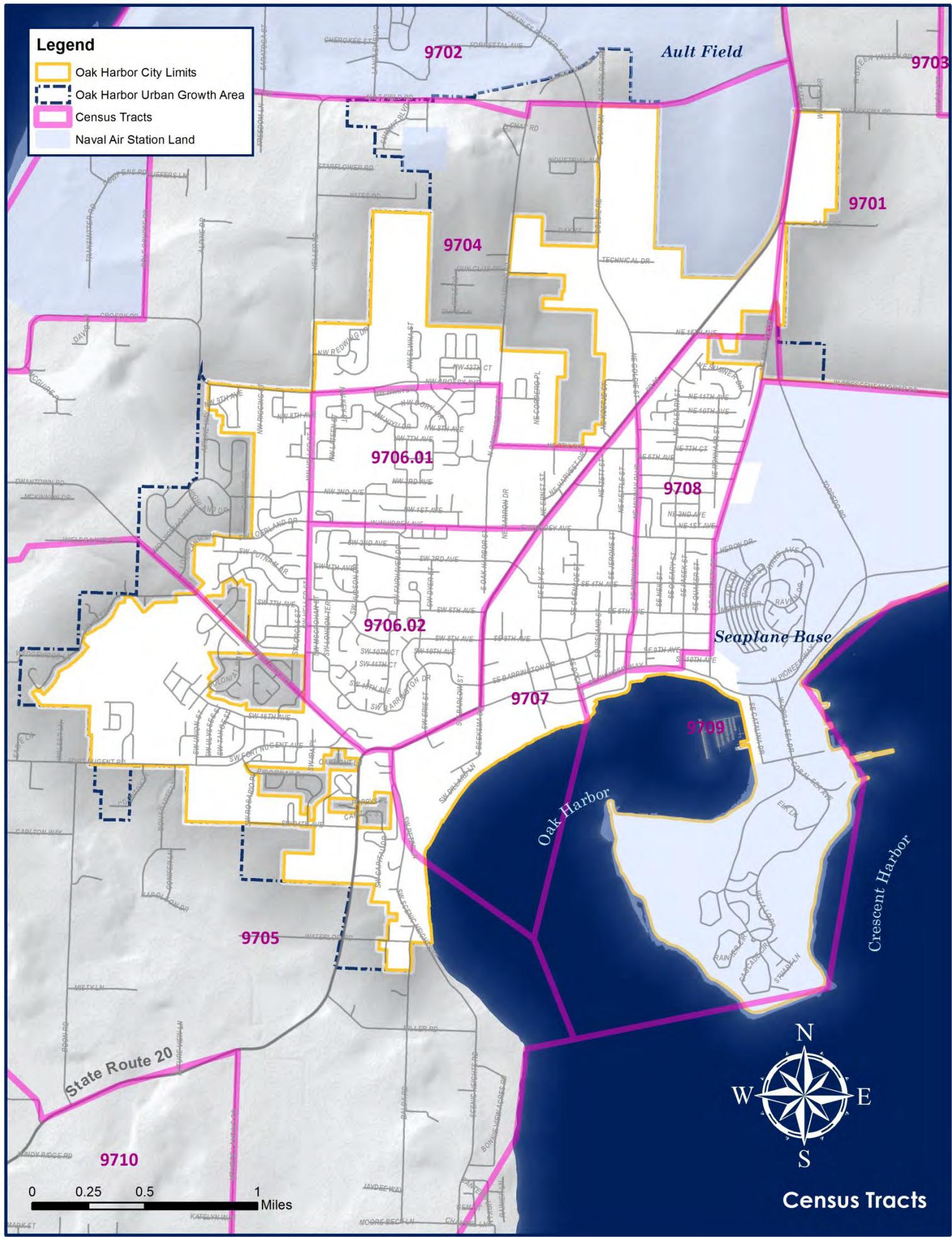


2010 US Census Bureau

Figure 4- Age-sex population cohort

<sup>3</sup> "Household" includes all the people who occupy a housing unit

<sup>4</sup> "Family" includes householder and one or more persons related to the householder by birth, marriage or adoption



## Employment and Income

According to the US Census Bureau 2013 American Factfinder, 49.4% (8,028) of Oak Harbor's labor force is employed. 83.4% (Island County: 73.9%; Washington: 72.7%; United States: 76.3%) drive alone to work and 9.9% carpool. Approximately 0.7% (IC: 3%; WA: 5.8%; US: 5%) use public transportation, 2.3% walked to work, and 2.5% worked at home. Of employed residents, 63.5% are salary workers in the private sector, 30.7% are government workers, and 5.7% are self-employed. The major industries in Oak Harbor, accounting for 22% of the workforce, are education, health care and social assistance. Public administration follows, accounting for 17% of employed individuals.

The average household income in Oak Harbor is \$56,454. This is less than Island County (\$72,743), Washington State (\$77,827) and the United States (\$73,487). Fifty percent of the households in the city earn less than \$48,955 per year. Nonfamily households earn an average income of \$40,574, while the average family earns an income of \$64,014.

Approximately 8.5% of the families have income below the poverty level<sup>5</sup> and 10.6% of all Oak Harbor residents are below the poverty level<sup>6</sup> in 2013. Residents of Oak Harbor are covered by health insurance at a 90.8% rate, with 82.4% of those covered by private health insurance and 23.8% with public coverage (American Factfinder, 2013)

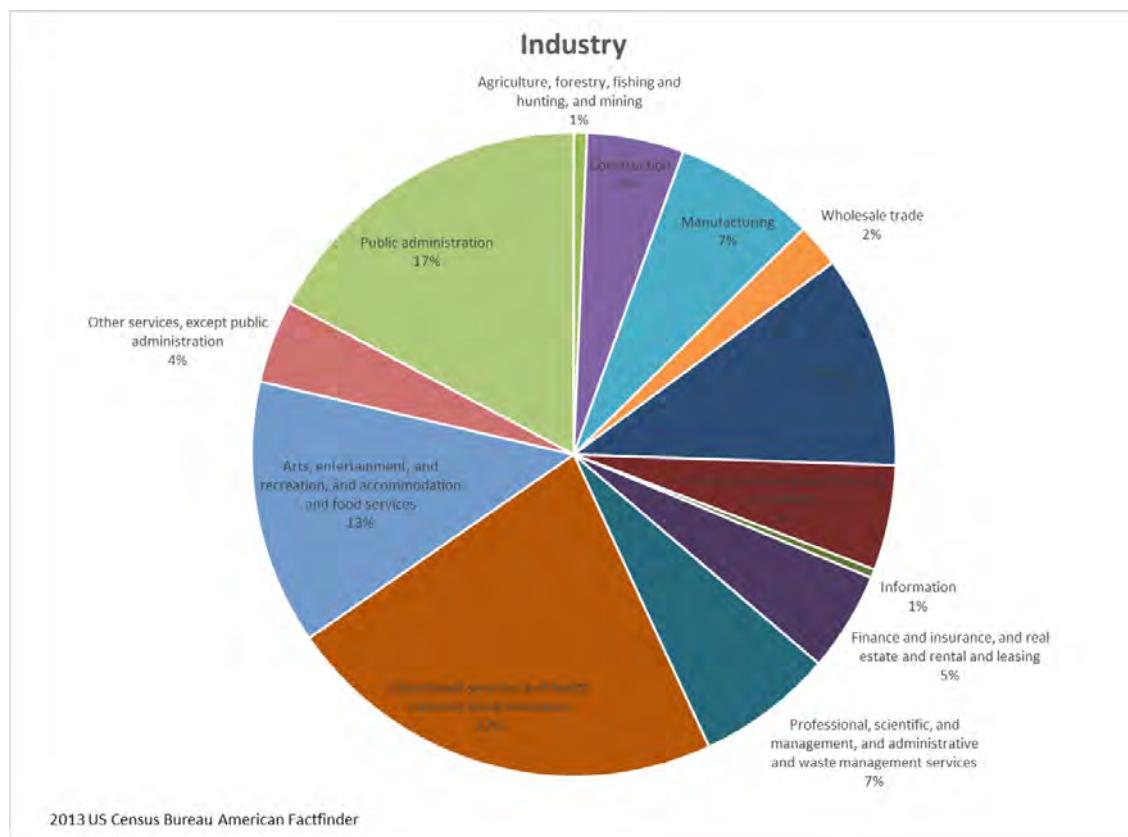


Figure 5- Employment by Industry

<sup>5</sup> Poverty threshold for family 2013 is \$15,600 and varies by family size

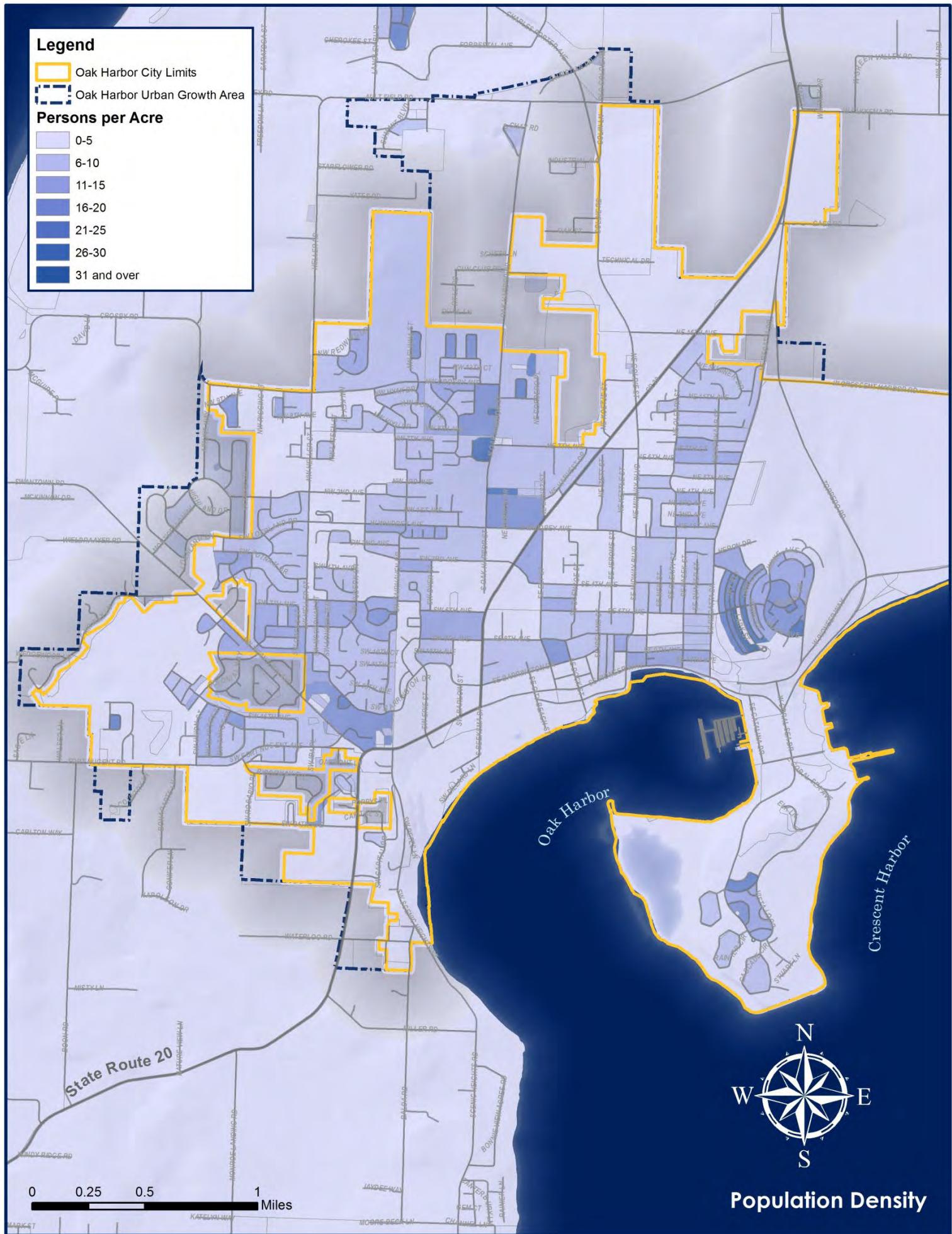
<sup>6</sup> Poverty threshold for individuals is \$12,119

### Legend

- Oak Harbor City Limits
- Oak Harbor Urban Growth Area

### Persons per Acre

- 0-5
- 6-10
- 11-15
- 16-20
- 21-25
- 26-30
- 31 and over



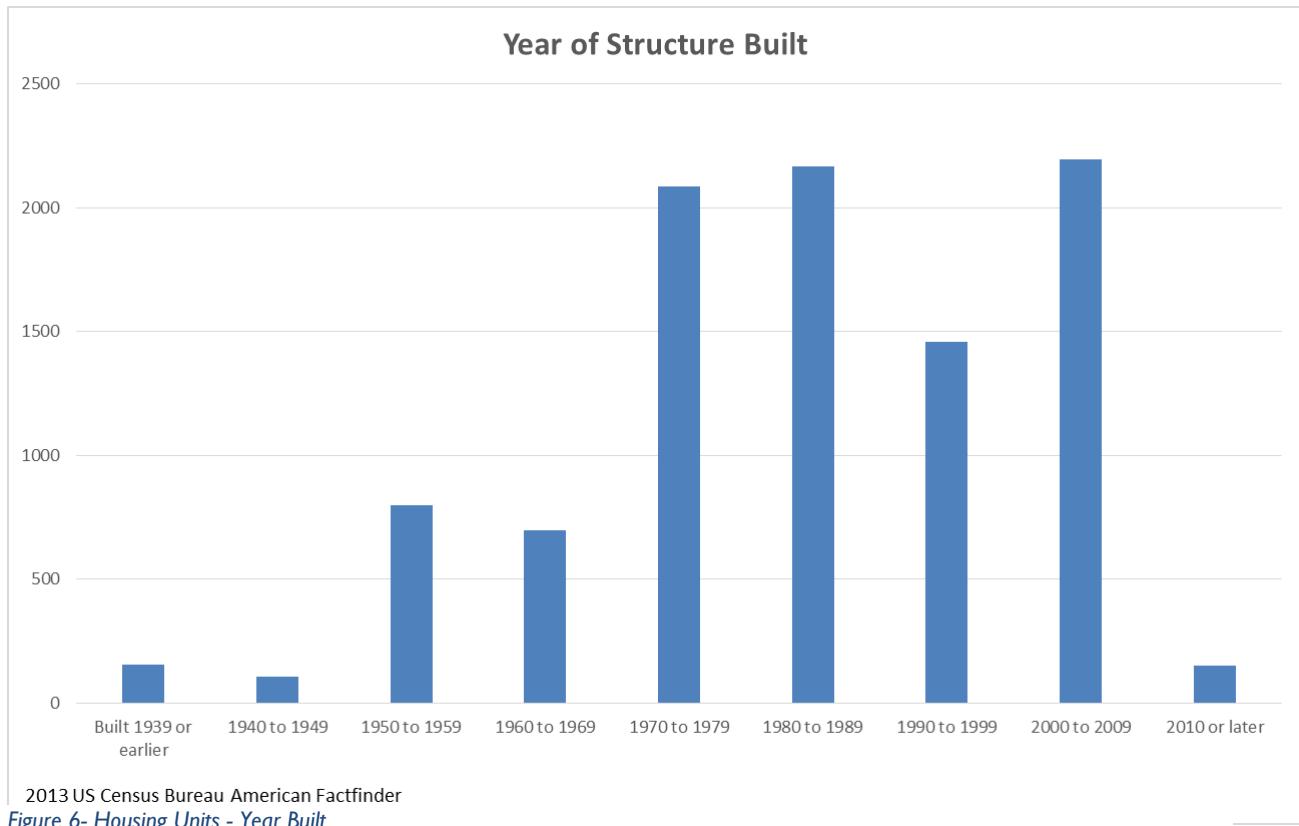
## Housing

The 2010 Census indicates that there are 9,553 housing units in Oak Harbor. Over 90% are occupied. Of those, 45.9% are owner-occupied and 54.1% are renter-occupied. The remaining 9.2% of housing units that are vacant include 59.7% are for rent, 18.5% are for sale, 8.2% are for seasonal, recreation or occasional use and 13.6% are vacant for other reasons.

By 2013, American Factfinder indicates that the housing units in Oak Harbor total 9,808, an increase of 255 units since the 2010 Census. Of those, 54.8% are single unit detached, 10.6% are 3-4 unit structures, and 7.2% are 5-9 unit structures. Six percent of the units are mobile homes. Multifamily structures constitute 32.6% (IC: 10.9%; WA: 25.7%) of all housing in Oak Harbor. Similar communities have comparable ratios of multifamily stock, such as Bremerton (38%) and Silverdale (37.3%).

A significant portion (43.4%) of the housing stock in Oak Harbor was built between 1970 and 1989. Between 1990 and 1999, approximately 1,460 (14.9%) units were added, and between 2000 and 2009 another 2,194 (22.4%) units were built. Three bedroom units constitute 43.1% of all housing units, while 16.2% have four bedrooms, 28.6% have two bedrooms and 9.4% have one bedroom. The 2013 American Factfinder also indicates that 40.5% of the housing units have two vehicles and 18.2% have three or more.

Forty-nine percent of the owner-occupied housing units are valued between \$200,000 and \$299,000, and 18% are valued between \$150,000 and \$199,000. More than 60% of the monthly mortgages exceed \$1500 with almost 47% of them exceeding \$2000 or more. This is higher than the national (31.5%) and state (40.1%) averages. For rentals, 44.3% (WA: 30.7%; US: 26.3%) pay rent between \$1000 and \$1,499 and 14.9% (WA: 16.6%; US: 15%) pay



more than \$1500 in rent. In both, owner occupied and rental units, approximately 48% spend more than 30% of their household income in mortgage or rent<sup>7</sup>.

## Economy

NAS Whidbey is the largest employer on Whidbey Island and employs 10,066 people. According to the 2012 Final Environmental Assessment – Transition of Expeditionary EA-6B Prowler Squadrons to EA-18G Growler Table 3-11 that summarizes the direct economic impacts of NAS Whidbey on Island County, the annual payroll is approximately \$399.1 million, military retiree pensions are \$91.1 million, contracts for goods and services are \$12.2 million, on-station retail spending is

\$22 million and net direct spending is \$516.5 million.

Within Oak Harbor, American Factfinder indicates that there are 1,510 companies. Retail trade tops the list for annual value of sales, shipments, receipts, revenue, or business (\$207,182,000), which accounts for 45% of Island County's retail trade. Health care and social assistance produce \$52,997,000 in annual receipts, and accommodation and food services produce \$40,840,000. Retail trade employs 988 people in 74 establishments while health care employed 751 (68 establishments), and accommodation and food service employed 744 (63 establishments).

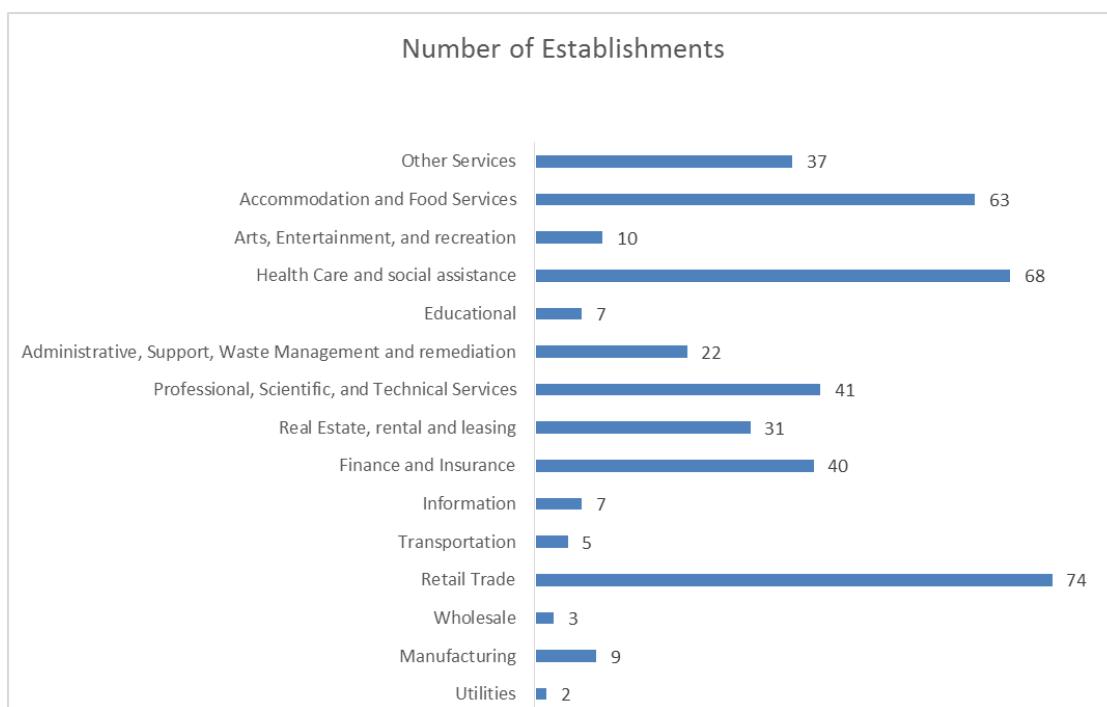


Figure 7- Number of Establishments

<sup>7</sup> According to a 2015 Housing Needs Assessment for the State of Washington, “affordable” is when a household pays no more than 30% of its income for all housing costs, “cost-burdened” when a household

pays more than 30% of its income and “severely cost burdened” when a household pays more than 50% of its income on all housing expenses.

## Projections 2036

The 20 year population projection for Island County and Oak Harbor will be impacted by an increase in squadrons at NAS Whidbey that is proposed between 2016 and 2020<sup>8</sup>. The proposed squadron increase was incorporated into the 20 year population projections (87,917) for Island County, which was adopted in August 2013 in preparation for the Countywide Planning Policies. Island County also separately allocated the additional 20,136 people to the different regions within the county based on historical growth patterns. North Whidbey was allocated approximately 49% (42,989) of the total 2036 population and 66% (6232) of the 20 year growth. Based on these allocations, Island County projects Oak Harbor's population for 2036 will be 25,814, an increase of 3,739 from the 2010 Census population of 22,075.

The population projection allocation by Island County can be checked for validity by comparing the population projection for Oak Harbor based on historical trends. Figure 8 indicates the historical trend of an average of 1% growth every year, accounts for the squadron increase, and then returns to the normal growth trend of 1%. Based on this trend, the 2036 population is projected to be 25,925. This is fairly close to Island County's allocation for Oak Harbor.

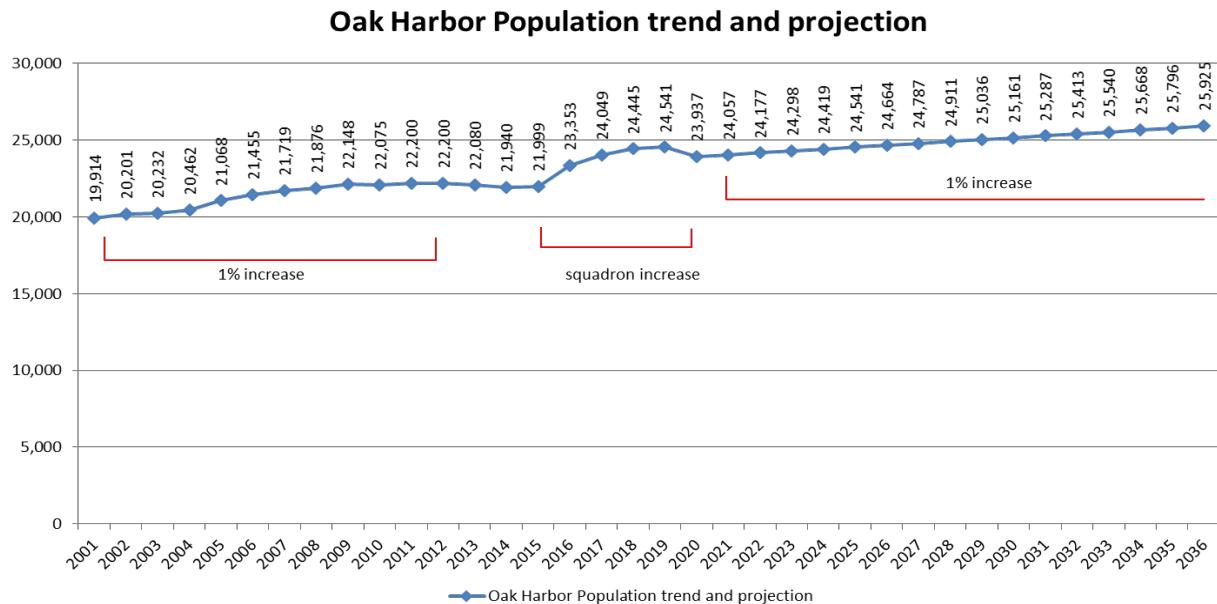


Figure 8 - Population trend

<sup>8</sup> See Resolution 13-17 and associated agenda bill for information on the 20yr Population Projection for Island County

## Findings

- The age-sex cohort information is instrumental in determining the 20 year population projection for Island County (includes low birth rates in South Whidbey due to the high median age)
- The median age of Oak Harbor is likely to remain low due to the presence of NAS Whidbey and its transitional young sailors.
- There is a low percentage of use of public transportation due to the lack of service by Island Transit to NAS Whidbey Ault Field
- The high demand for affordable housing is potentially due to property values increasing at a faster rate than increases in income and housing allowances for Navy personnel.



# Chapter 3 → Land Use Element

*A fundamental role of the Comprehensive Plan is to anticipate, guide, and plan for growth in a way that helps the City achieve its Vision. The plan is a tool to look ahead to the likely growth and ensure that the City's plans for land uses, infrastructure, and services are aligned with that growth. The Land Use Element addresses the general pattern of land use within the city and provides a framework to guide the city's overall growth and development. It ensures that an appropriate mix of land uses are available to support the City's economic goals, provide services to residents and businesses, and provide an array of housing choices. Land use planning also helps protect environmentally sensitive areas and maintain the character of established neighborhoods while allowing the city to evolve to meet the changing needs of the community.*

## Existing Conditions

Oak Harbor's land use pattern is a reflection of its history and its relationship with Naval Air Station Whidbey Island (NASWI). Prior to the existence of Deception Pass Bridge and the naval base, Oak Harbor relied on Maylor Dock for supplies, and, therefore, most of the city's commerce was established around the dock. Maylor Dock was destroyed by fire in 1966. However commercial activity continued in the area and is still active today. This area is commonly referred to as Old Town and is currently where the Central Business District is located.

Deception Pass Bridge was built in 1935 and NASWI was established on Whidbey Island in 1942 and expanded in 1949. The first jet squadron arrived in 1956. The Seaplane Base

was built adjacent to Oak Harbor's Old Town, and Ault Field was built north of Oak Harbor. Today the Seaplane Base accommodates naval housing, the Navy Exchange and the Commissary. Ault Field is the active part of the base and features the main airfield, flight operation and supporting facilities. It also accommodates a hospital, a variety of housing units and recreational areas including an 18-hole golf course. The Seaplane Base is within city limits while Ault Field is located in the unincorporated area of Island County.

## Transportation Corridors

Today's State Route 20 was originally designated State Route 536 and came to be called SR 20 after the North Cascades Highway was completed. SR 20 through Oak Harbor is flanked by the majority of the City's commercial uses which take advantage of the traffic volumes that on the highway.

Midway Boulevard runs north-south through the city and connects Old Town and SR 20. It is flanked by mixed uses in the south close to Old Town, and commercial uses to the north where it intersects with SR 20. Midway Boulevard connects to Goldie Road north of SR 20 which is flanked by commercial uses close to SR 20 and which becomes predominately industrial as it extends north to Ault Field Road. Goldie Road terminates at one of the major entry points onto NASWI Ault Field.

## NAS Whidbey Island

Naval Air Station Whidbey Island (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<sup>9</sup> 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<sup>10</sup>. 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.

The Seaplane Base encompasses approximately 2,897 acres east of the city and is developed primarily with family housing. A large portion of the Seaplane Base is covered by grasslands, wetlands, forests and beaches. It includes approximately 10 miles of shoreline along Crescent Harbor and Oak Harbor Bay.

## Residential Development

In Oak Harbor, residential development east of SR 20 is comprised of a mix of single family and multifamily, with styles primarily of post-war modern ranch homes and construction dates typically in the 1950s to early 1970s.

Neighborhoods in this area are mostly comprised of grid pattern streets and have limited sidewalks. West of SR 20, the typical dates of residential construction are the late 1970s and early 1980s close to the highway and 1990s to 2000s further away to the west. Neighborhoods in this area utilize curvilinear streets and cul-de-sacs as their primary development pattern.

## Commercial Development

Commercial uses in Oak Harbor are primarily located along the major transportation corridors described above. SR 20 is flanked by big-box stores, national chain restaurants and

medium-sized national chain drug stores. These national chains along with local commercial strip centers provide a healthy mix of retail services for Oak Harbor and Whidbey Island. Old Town, located away from the highway, is characterized by smaller lots and denser development. Midway Boulevard between SR 20 and Whidbey Avenue also provides alternate commercial options.

## Industrial Development

Industrial land and developments are located primarily along Goldie Road and North Oak Harbor Road. Of these two corridors, Goldie Road is the most highly developed. All of the properties along the east side of Goldie Road are within the city limits, as are a few parcels on the west side. While many of the west side properties are located within unincorporated Island County, their location within the UGA indicates that they are anticipated to annex into the city over time.

## Shoreline

The marine shoreline within Oak Harbor is approximately 13 miles long, with a major portion of it on the Navy's Seaplane Base. The stretch within the city is covered predominantly by infrastructure (Pioneer Way, Bayshore Drive) and public lands (Oak Harbor Marina, Flintstone Park, Windjammer Park and Freund Marsh). The remaining shoreline is adjacent to residential uses that are mainly characterized by steep bluffs. The Shoreline Master Program is an overlay for uses adjacent to the shoreline and has seven environment designations<sup>11</sup> that guide development and conservation along the coast.

<sup>9</sup> Air Installations Compatible Use Zones (AICUZ) for Naval Air Station Whidbey Island Ault Field and Outlying Landing Field Coupeville, Washington adopted 2005

<sup>10</sup> See Chapter 5 of the AICUZ study

<sup>11</sup> Oak Harbor Shoreline Environment Designations – Maritime, Urban Mixed Use, Residential, Residential-Bluff Conservancy, Urban Public Facility, Conservancy and Aquatic.

## Land Use Distribution

Land use categories are applied to all properties in the city and the UGA. Oak Harbor's land uses have been divided into seven general categories. This is a major change from the original GMA comprehensive plan adopted in 1995<sup>12</sup>, which had more detailed land uses that directly matched zoning districts. The generalized land uses considered with the major update in 2016 are intended to provide a better planning tool and deal with meaningful change within a reasonable amount of time.

### Planned Residential Estate

The Planned Residential Estate category is intended to preserve the rural residential character that exists in the Urban Growth Areas that will annex into the city. These areas are intended to be preserved in their existing capacity due to their proximity to the Naval Air Station, noise impacts, surrounding land uses and environmentally sensitive areas.

### Low-Intensity Residential

The Low-Intensity Residential category is intended to accommodate most of the residential uses and to support low-intensity uses such as religious institutions, care facilities, schools etc., that create healthy livable neighborhoods. Supporting uses in this category normally provide services that are quiet, low impact and operate in a fashion that does not hinder the residential character of the neighborhood. Residential densities in this category range from a minimum of 3 units per acre to a maximum of 16 units per acre. This land use category is implemented by three zoning districts: Single Family Residential (R1), Limited Multifamily Residential (R2) and Multifamily Residential (R3).

<sup>12</sup> The first comprehensive plan adopted under the Growth Management Act (GMA)

<sup>13</sup> Properties considered as "developed", are lots that have an existing structure valued greater than \$4000 (Countywide Policies Buildable Land Analysis).

This land use category, where most of the residents of Oak Harbor live, encompasses approximately 5719 parcels (about 1941 acres) and 47% of the total area in the City and the UGA. Approximately 74% of this land use category is within the city limits and 26% is in the UGA. Approximately 82% (1596 acres) of this land use category is developed<sup>13</sup>.

### High-Intensity Residential/Low-Intensity Commercial

This land use category accommodates high-density residential uses, fringe neighborhood-scale commercial uses and office-type uses. Densities in the residential district range from a minimum of 12 units per acre to a maximum of 22 units per acre.

Professional and administrative offices that have normal working hours are accommodated in this district and form a buffer between the Low-Intensity Residential category and other high-intensity uses. This district also accommodates neighborhood-scale commercial uses. This land use is best located on the fringes of neighborhoods and along transportation corridors and intersections and is supported by pedestrian amenities and/or is accessible by mass transit. This land use category is implemented by the following zoning districts: Multifamily Residential District (R4), Residential Office (RO) and Neighborhood Commercial District (C1).

Currently, the 275 acres that include all 366 parcels in this land use category are located within the city limits. Seventy-five percent of the area in this land use category is developed. This is one of the land use categories that should be considered for inclusion in the UGA and future UGA expansions to provide alternative commercial services away from SR 20.

Properties that fall under this threshold are considered vacant but can include open space, parks, critical areas etc. and should not be assumed as all developable.

## **Maritime**

The City created this land use category in 2012 to accommodate high-intensity water related and water dependent commercial and industrial uses. This land use category and the Maritime designation in the Shoreline Master Program have similar intent. This land use would accommodate uses such as boat building, sail making, water dependent transportation warehousing and other clean industrial uses. This land use also accommodates commercial uses similar to the uses that are allowed in the Central Business District. The commercial uses are intended to draw residents and visitors to the area and enjoy the recreational facilities provided by the marina, Catalina Park and the Maylor Point trail.

## **High-Intensity Commercial**

The High-Intensity Commercial category is the workhorse commercial district for Oak Harbor and includes all types and scale of retail establishments, wholesale, transportation, and regional centers. This district is located primarily along major transportation corridors and capitalizes on traffic volumes. Large-scale offices and commercial complexes are encouraged to locate in this district. This district is intended to encourage mixed uses that support residential uses, where there are minimal noise impacts from NAS Whidbey and its operations. The zoning districts that implement this land use category are: Community Commercial (C3), Highway Service Commercial (C4) and Highway Corridor Commercial (C5).

There are 310 parcels (approximately 399 acres) in this land use category, of which 326 acres are within the city limits and 73 acres are in the UGA. Approximately 72% of the land in this area has been developed.

## **Central Business District**

The Central Business District is commonly referred to as Downtown or Old Town and is located along SE Pioneer Way between City Beach Street and Midway Boulevard. This

district encompasses small- to medium-sized lots with dense building stock and pedestrian environments. Mixed uses and high-density residential complexes are encouraged in the district to create a vibrant mixed and cohesive pedestrian-scale environment. Setbacks and parking are limited mainly to residential uses thus encouraging commercial uses to maximize the development potential of lots. Due to the high density allowed in this district, heights, views and mixing of residential uses will need to be planned for compatibility. The intent of this district is implemented through the Central Business District (CBD) zoning classification. The CBD zoning district is further divided into CBD-1 and CBD-2 sub-districts to regulate building heights and residential uses.

There are 141 parcels (approximately 41 acres) in this land use category. Of the 141 parcels, 95 (approximately 28.5 acres) are developed.

## **Industrial**

The Industrial land use category is intended to accommodate industrial uses, industrial parks, business parks and other supporting uses that promote and diversify the economic opportunities in Oak Harbor. The industrial land use category can be implemented by one zoning district intended to accommodate a wide range of uses and reduced processes.

There are currently 146 parcels totaling 671 acres in this land use category. Fifty-one of these parcels (277 acres) are within city limits and 95 parcels (393 acres) are in the UGA. Approximately 96 acres are within the city, and 185 acres are outside city limits but within the UGA are considered developed.

## **Public Facilities**

This land use category accommodates public facilities and institutional uses such as schools, colleges, churches, governmental offices, public works yards, utility structures and public parks. This land use category is implemented by the Public Facilities (PF) zoning district.

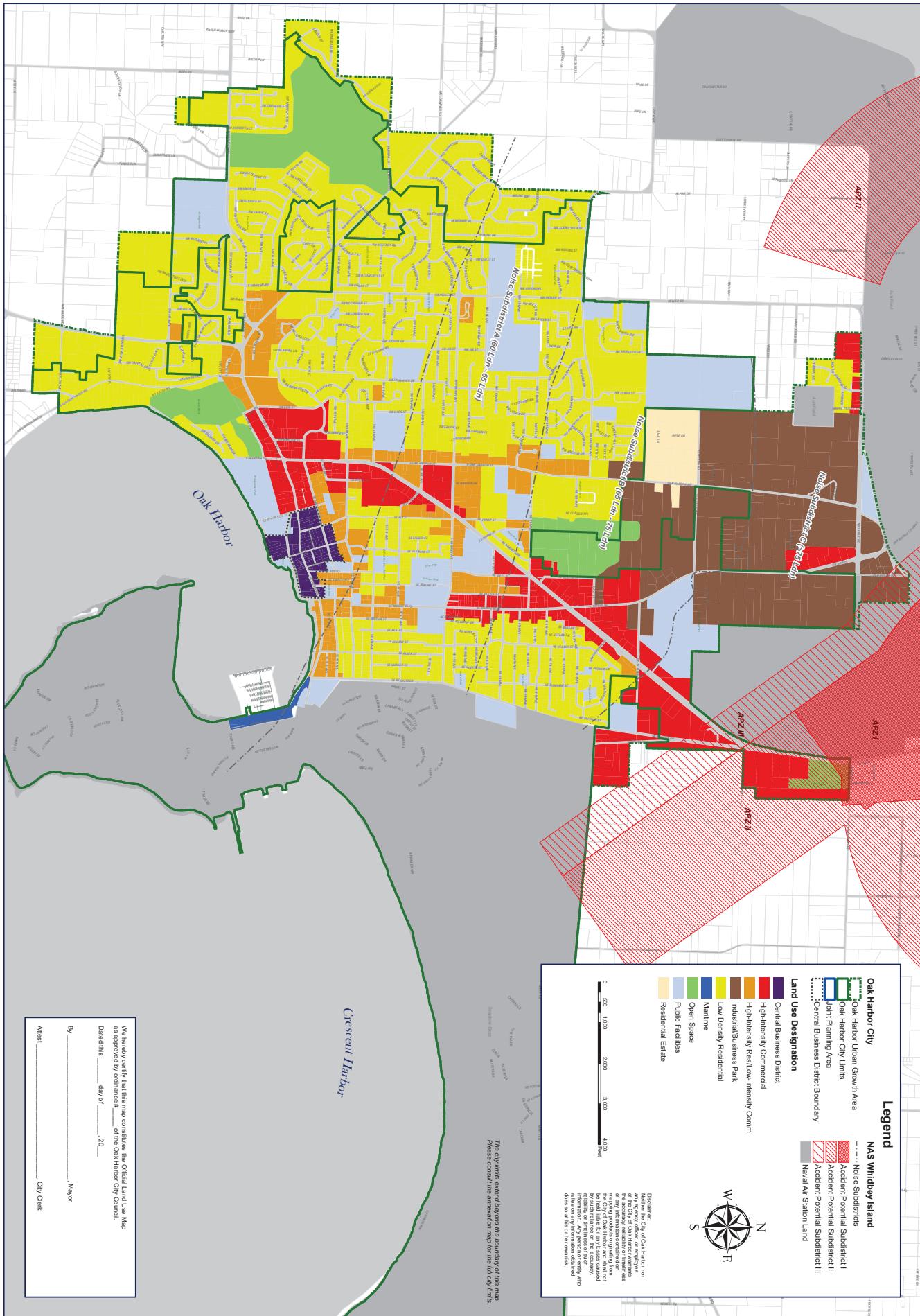
There are approximately 505 acres in this land use category. Approximately 96% are within the city limits.

### **Open Space**

The intent of the Open Space category is to retain and preserve natural ecosystems and recreation areas for community benefit and welfare. Wetlands, forest lands, agricultural uses and golf courses are within this category. It is implemented by the Open Space (OS) zoning district.

There are approximately 325 acres of open space in the city and UGA. Approximately 259 acres are within city limits.





## Land Use Inventory

A land use inventory indicates the amount of land in each land use category. Since every city is different and has unique land use categories there is no universal formula to determine if a city's land use distribution is ideal.

Figure 10 shows an inventory of the land use categories and the number of acres and lots in each category. As expected, the Low-Intensity Residential constitutes the major portion of the city and is likely the most dynamic of all categories as the city grows. Keeping a pulse on this land use category may provide an opportunity to determine future land use needs in other categories.

## Twenty-Year Land Use Needs

Island County has estimated the population projections for Oak Harbor to reach 25,814 people by 2036, an increase of 3,739 persons from the 2010 population. The population projection methodology includes the proposed increase in squadrons at NAS Whidbey and the new families additional squadrons will bring. Based on the population projections, the County estimates that approximately 1,626<sup>14</sup> housing units will be needed to meet the demand. The County's analysis<sup>15</sup> also indicates that Oak Harbor has the capacity for 1,803 units and will therefore be able to accommodate the projected needs.

Land Use Categories	Acres	Percentage	Parcels	Percentage
Low-Intensity Residential	1941	46.7%	5719	84.4%
High-Intensity Residential/Low-Intensity Commercial	275	6.6%	366	5.4%
High-Intensity Commercial	399	9.6%	310	4.6%
Central Business District	41	1.0%	141	2.1%
Industrial/Business Park	671	16.1%	146	2.2%
Public Facilities	505	12.1%	67	1.0%
Open Space	325	7.8%	27	0.4%
Totals	4157		6776	

Figure 9 - Percentage of developed acres by Land Use Category

<sup>14</sup> Housing unit demand estimated using housing occupancy of 2.3 person per household -2010 Census

<sup>15</sup> 2015 Buildable Lands Analysis

The County's analysis also indicates that there is land available in Oak Harbor that once developed, could potentially accommodate an additional 6,781 jobs. The large capacity is probably a result of the amount of industrial land that is in the city's UGA. The current projections estimate an increase of 1,611 jobs by 2036.

Figure 11 provides information on the total acreage in each land use category and the acreage and percentages considered as developed.

Land Use Categories	Total Acres	Developed Acres	Percentage Developed
Low-Intensity Residential	1941	1596	82%
High-Intensity Residential/Low Intensity Commercial	275	207	75%
High-Intensity Commercial	399	288	72%
Central Business District	41	28	68%
Industrial/Business Park	671	281	42%
Public Facilities	505	308	61%
Open Space	325	--	--
Totals	4157	2708	

*Figure 10- Land Use Distribution (includes all land within City Limits and the UGA except the Seaplane Base)*

## Land Use Goals and Policies

The goals and policies of the Land Use Element help further Oak Harbor's Vision. The policies are primarily intended to accomplish the following:

- Direct change – At a time of change, the community can rely on policies and seize the opportunity to move closer to its Vision.
- Bridge gaps – In some instances codes that implement the plan and its Vision may not be sufficient to address the intent of community plans, so policies can help determine mitigation measures to address potential impacts.
- Support code – Implementing codes have their foundation in the goals and policies of the plan.

### Goal 1 – Promote a healthy mix of uses

Policies:

- I.a. Encourage land use densities/intensities where services exist or are readily available.
- I.b. Consider land use changes that are compatible with the character of its neighborhood.
- I.c. Promote neighborhood-scale satellite commercial centers to locate in areas away from SR 20.
- I.d. Promote areas for open space and recreational opportunities within residential development.
- I.e. Encourage location of new schools within or adjacent to residential developments and in close proximity to parks.
- I.f. Progress toward a form-based code to regulate the built environment and to foster predictable physical form rather than the separation of uses.
- I.g. Promote a mix of uses and densities in new developments through the Planned Residential Development process.
- I.h. Encourage private and public preservation of undeveloped open space.
- I.i. Designate areas newly incorporated into the UGA as special planning areas to:
  1. Explore the best mix of land uses to serve the area and the city's needs;
  2. Work with property owners in the area to determine land use patterns and development scenarios;
  3. Involve public participation.

## Goal 2 – Encourage land use patterns that promote health and safety

### Policies:

- |      |   |      |  |
|------|---|------|--|
| 2.a. | Promote land use changes that provide services closer to where people live.   | 2.m. | Limit the development around existing public water supplies to low-intensity uses.   |
| 2.b. | Incorporate alternate modes of transportation with development.   | 2.n. | Require developments to protect the aquifer recharge areas from contamination.   |
| 2.c. | Encourage higher land use intensities and densities along major transit corridors.  | 2.o. | Promote a pedestrian scale environment by requiring buildings to locate close to street frontages in commercial, office and residential areas. |
| 2.d. | Discourage long stretches of intersection-less roadway within the city.   | 2.p. | Promote pedestrian amenities, where feasible, with development and redevelopment of land.  |
| 2.e. | Locate neighborhood parks that are easily accessible to residents and community parks within the level of service distance established in the Parks Recreation and Open Space Plan. |      |  |
| 2.f. | Seek opportunities to establish parks and recreation opportunities in underserved residential areas.  |      |  |
| 2.g. | Promote interconnectedness between streets, parks, schools, trails, open spaces, and natural preserves.   |      |  |
| 2.h. | Promote interconnectedness from residential areas to commercial areas, parks, and open spaces.  |      |  |
| 2.i. | Promote crime prevention through environmental and defensible space design.   |      |  |
| 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.  |      |  |
| 2.l. | Consider flexible standards to encourage redevelopment of underutilized lots.   |      |  |

## Goal 3 – Support a vibrant economy

### Policies:

- |      |  |      |   |
|------|--|------|---|
| 3.a. | Facilitate mixed-use developments in all districts that allow commercial uses.   | 3.j. | processes to achieve campus type developments.  |
| 3.b. | Support efforts to encourage quality development and redevelopment in the Old Town area.   | 3.k. | Facilitate the growth of Skagit Valley College and its facilities.  |
| 3.c. | Support NAS Whidbey and its continued operation by discouraging: <ol style="list-style-type: none"><li>1. Encroachment of incompatible uses;</li><li>2. Residential uses from locating north of NE 16<sup>th</sup> Avenue alignment;</li><li>3. Structures that are a hazard to flight navigation;</li><li>4. People-intensive uses in high noise areas and potential crash zones.</li></ol> | 3.l. | Accommodate mobile commercial enterprises such as food vendors, coffee trucks, etc. in the Old Town area, near schools and colleges, and along the waterfront and marina.   |
| 3.d. | Require the disclosure of potential noise and accident-potential impacts to prospective buyers, renters, or lessees of property and structures in the city and UGA.  | 3.m. | Promote context-sensitive and proportionately scaled signage.   |
| 3.e. | Enhance and protect the waterfront as an asset and implement the Waterfront Redevelopment, Branding and Marketing Program.   | 3.n. | Consider landscape flexibility along commercial frontages for signs and storefront visibility.  |
| 3.f. | Promote upland developments adjacent to the marina.  | 3.o. | Support home occupations that: <ol style="list-style-type: none"><li>1. Can operate inconspicuously and do not infringe on neighboring residents;</li><li>2. Do not infringe on or change the intent of the residential zone;</li><li>3. Have limited visitors and do not require additional parking.</li></ol> |
| 3.g. | Consider flexible standards to encourage development and redevelopment along Midway Boulevard.   |      | Collaborate with the county to promote development practices that: <ol style="list-style-type: none"><li>1. Encourage new development to occur within city limits;</li><li>2. Promote urban Oak Harbor development standards in the UGA.</li></ol>  |
| 3.h. | Support the retention and expansion of industrial uses by utility services extensions and public infrastructure improvements.  |      |   |
| 3.i. | Support the development of business parks using, where appropriate, master planning  |      |   |

## **Goal 4 – Promote a diverse and affordable housing stock**

Policies:

- 4.a. Maintain a healthy amount of developable and redevelopable land in all residential land use categories.
- 4.b. Support land use changes that accommodate higher density residential uses where services and utilities are available.
- 4.c. Support the development of new, and the conversion of existing, residential structures for accessory dwelling units.
- 4.d. Consider a mix of land uses when expanding urban growth areas.
- 4.e. Support flexible standards for developments that provide affordable housing.
- 4.f. Consider development incentives to include affordable housing within new developments.
- 4.g. Coordinate housing growth strategies with changes in school enrollment projections and NAS Whidbey expansions.
- 4.h. Support efforts to increase affordable housing in the City.

## **Goal 5 – Respect the character of its natural and built environment**

Policies:

- 5.a. Consider flexible standards to protect Garry Oak trees and their habitat.
- 5.b. Protect public view corridors :
  - 1. When considering new developments;
  - 2. From natural encroachments on public property.
- 5.c. Consider flexible standards for building locations, heights, and landscaping plans to preserve views.
- 5.d. Require, where appropriate, buffers and screening between new intensive uses and existing uses.
- 5.e. Promote the use of native vegetation, including Garry Oaks, for landscaping and buffers.
- 5.f. Promote parkways, street trees and landscaped boulevards with development proposals.
- 5.g. Require design and construction standards for development to consider:
  - 1. Protection of fish and wildlife habitat;
  - 2. Geologically sensitive areas for construction;
  - 3. Protecting critical aquifer recharge areas;
  - 4. Protecting and enhancing the shoreline;
  - 5. Frequently flooded areas.
- 5.h. Require development to adhere to design guidelines and regulations that promotes a pedestrian friendly environment by:

1. Locating buildings closer to street frontages;
  2. Encouraging visually interesting facades and people spaces.
- 5.i. Respect and acknowledge the role of historically and architecturally significant buildings in the community.
- 5.j. Discourage premature land clearing ahead of development proposals.
- 5.k. Promote revegetation when retaining existing trees is not practical.
- 5.l. Promote landscaping to achieve visual and noise buffers.
- 5.m. Require buffers where land use intensities vary.
- 5.n. Require landscaping standards to efficiently screen for outdoor uses and storage areas.
- 5.o. Encourage industrial uses to incorporate landscaping, decorative fencing and native vegetation so that they are attractive and complementary to the community.
- 5.p. Explore creative ways to blend in/camouflage utility towers and devices.
- 5.q. Place utilities underground whenever feasible.
- 5.r. Require common/public open spaces within developments to be accessible and visible.

## Challenges and Opportunities

Oak Harbor seeks to meet the challenge of achieving the community's land use vision, accommodating future growth and preserving what community-members love about Oak Harbor. Challenges and opportunities include:

- Meeting growth needs – Oak Harbor is constantly faced with the dynamic nature of NAS Whidbey and its changes. Increase in squadrons over the next few years will increase the demand for housing, schools and other services. Although, the Buildable Lands Analysis indicates sufficient land capacity within Oak Harbor, it is hard to predict whether the availability will be able to match the trend of incoming squadrons. The City will continue to support private development proposals and expansion of public facilities such as schools, colleges and other services as they come forward.
- Improvements on SR 20 – There are long standing plans to improve several intersections along Oak Harbor to relieve congestion. Funding is the primary challenge, for both the City and the State, to realize these projects. These proposals also have impacts on potential developments along the corridor. The City and Washington State Department of Transportation will continue to work in moving this project forward.
- Low Impact Development – Stormwater management has become a game changer in communities around Puget Sound. New regulations required through the National Pollutant Discharge Elimination System permitting will impact how development occurs. An increase in development regulations, maintenance requirements, and enforcement are challenges presented by this stormwater management methodology. The City will work with the community in finding practical solutions to meet this requirement.
- Old Town/Downtown Development – Directing more development to the Central Business District will continue to be a challenge due to its physical separation from SR 20 and the perceived drawback of the one-way street configuration. There are also challenges with an aging building stock and high cost of renovations and redevelopments. The City will continue working with the downtown merchants and property owners in supporting the Main Street program.
- Industrial and Business Park – There is a large inventory of land designated for industrial and business parks along NE Goldie Road and NE Oak Harbor Road. However, a major portion is outside the city limits and in the UGA. Infrastructure development, non-conforming uses and annexations are challenges in this area. The city will continue to work with property owners, Island County and potential developers to encourage developments and employment opportunities in this area.
- Home-based Businesses and Accessory Dwelling Units – There is an untapped potential in Oak Harbor to increase home occupations and accessory dwelling units. As demographics change and population grows, the City will continue to support and accommodate home occupations and the building of accessory dwelling units.
- Garry Oaks – The tree that gives the city its name is protected by city ordinance. However, propagating the species for future generations will require proactive measures to promote planting new trees where soils and conditions are suitable. The City will

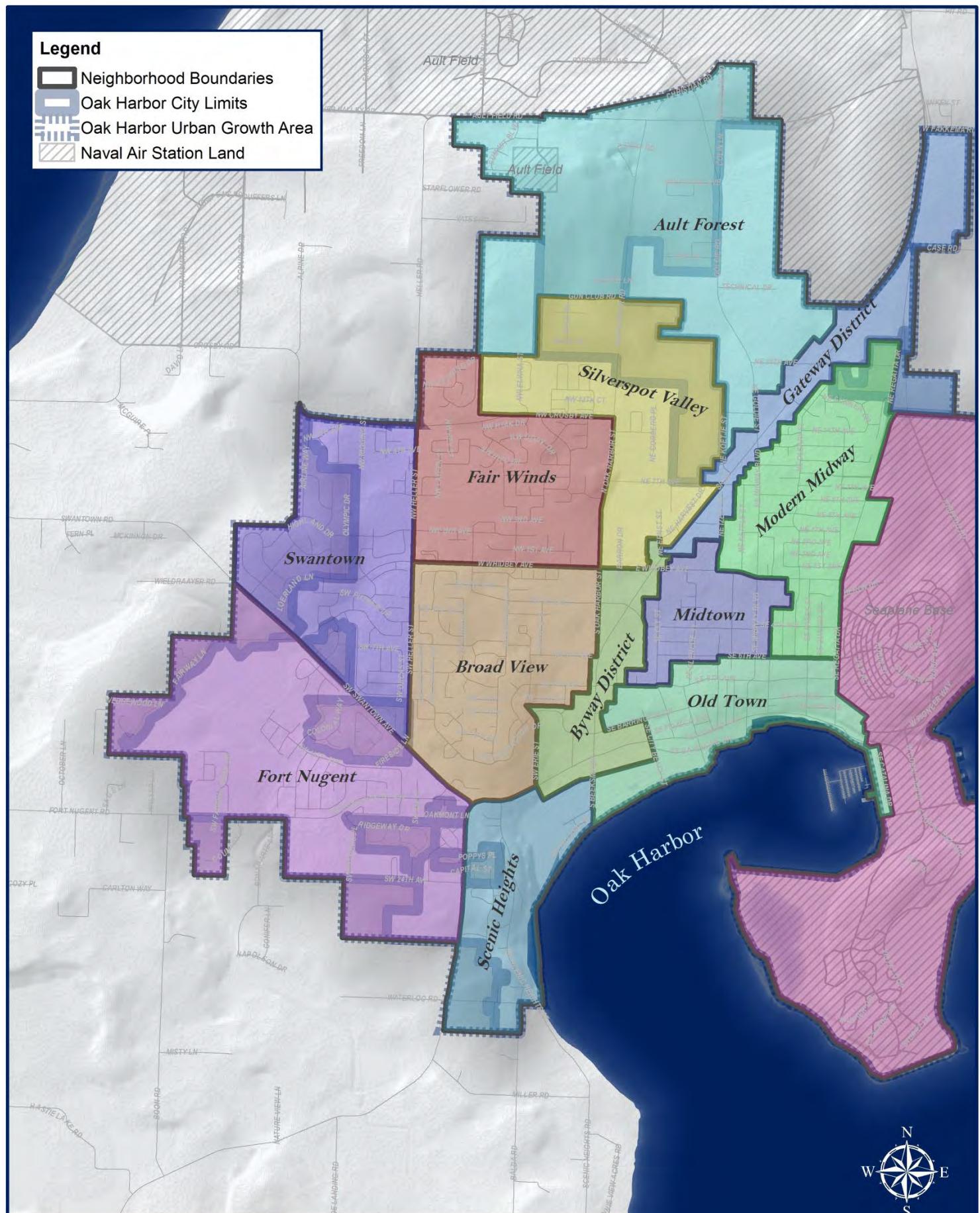
continue its efforts in planting Garry Oaks on suitable public lands and encourage propagating them within private developments through incentives.

- Neighborhoods – Oak Harbor has diverse neighborhoods ranging in age from the early 20<sup>th</sup> century to current times. As neighborhoods age they naturally decline and can reach a state of disrepair. The City will have to manage change in these aging neighborhoods through a combination of zoning incentives, improved public services and facilities, public financial assistance and uniform housing code enforcement.
- Midway Boulevard – This corridor was identified in 2006 as a district that could accommodate higher-intensity commercial uses. This traditional commercial corridor will benefit from new and infill commercial and mixed use developments that enhance the sense of place. Flexible development standards, such as raising the height limit, allowing development to extend to the street, parking requirement reduction, public/private partnerships and other strategies can be used to support revitalization.
- Supporting growth of school facilities – Oak Harbor Public Schools anticipates an increase in student enrollment will mirror the planned increase in personnel and squadrons at NASWI. The District anticipates enrollment to increase by 750 students and then drop to 500 with the disestablishment of VQ-1 squadrons. The District will face challenges in accommodating the increase in enrollment. A partnership between the District and the City is already well-established. The City leases school district property for parks and athletic fields, the City shares

technology infrastructure with Oak Harbor Public Schools and the City contracts with the school district for technology support services. Through the joint pursuit of grant opportunities and shared advocacy at the state and federal level for resources to address facility needs, the City can be an active partner in advancing the success of the District yielding broad benefits to the Oak Harbor community. The City will also communicate and work with the School District on a regular basis, help expedite the City review processes and support the District in meeting code requirements.

## Legend

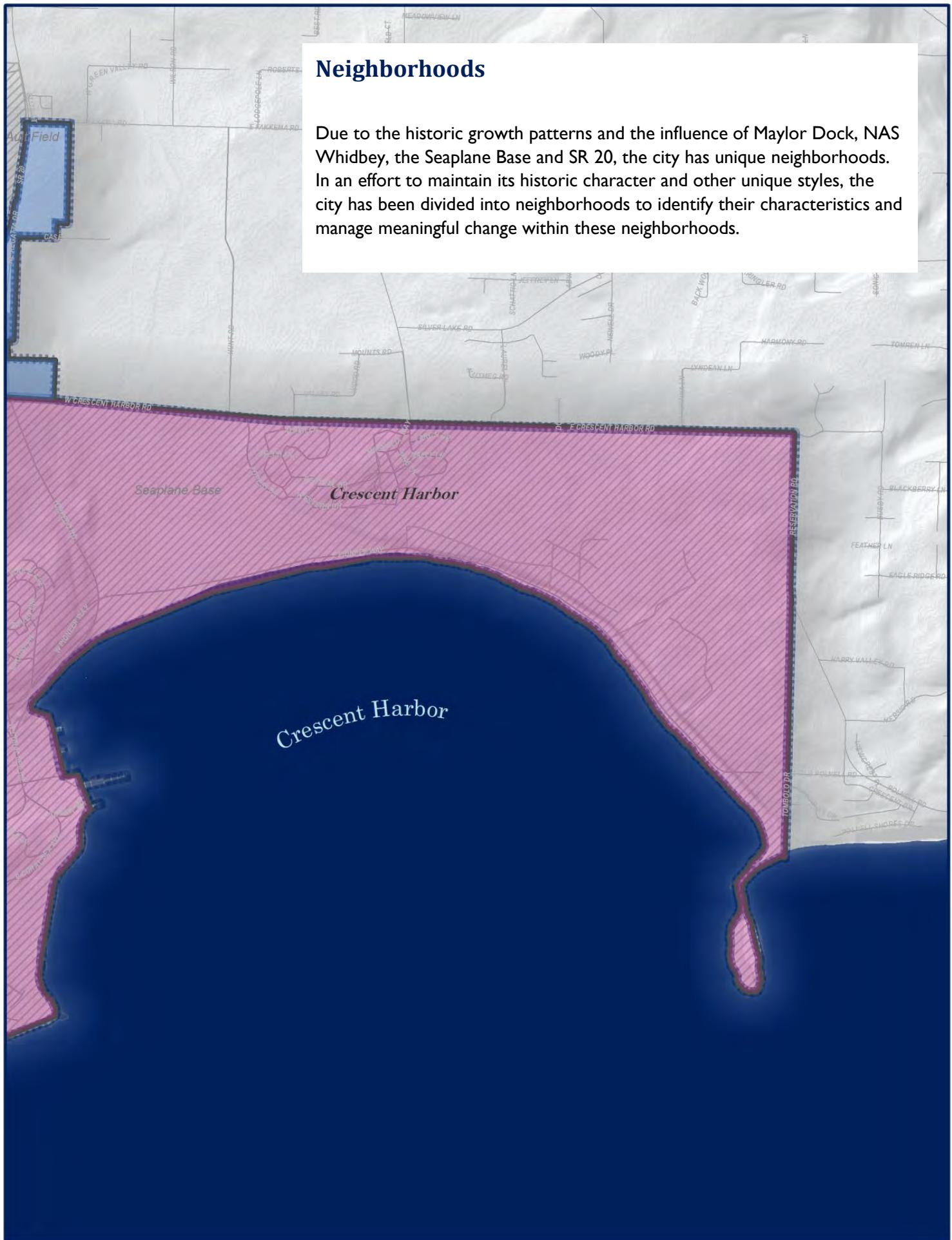
- Neighborhood Boundaries
- Oak Harbor City Limits
- Oak Harbor Urban Growth Area
- Naval Air Station Land



# Neighborhoods

## Neighborhoods

Due to the historic growth patterns and the influence of Maylor Dock, NAS Whidbey, the Seaplane Base and SR 20, the city has unique neighborhoods. In an effort to maintain its historic character and other unique styles, the city has been divided into neighborhoods to identify their characteristics and manage meaningful change within these neighborhoods.



## **Modern Midway**

*This neighborhood consists of a distinct commercial core along NE Midway Boulevard and stable residential areas generally developed in the years following World War II. Sometimes viewed as Oak Harbor's first suburban-type development, the commercial district is strongly oriented toward visitors arriving by car with spacious parking lots located in front of buildings. Single family residences dominate the gridded streets, with mid-century modern architecture mixing with more traditional styles. With the exception of a very small area at the north end of the neighborhood, Modern Midway is almost entirely within the City limits.*

### **Data**

- Modern Midway includes about 353 total acres within its boundaries; it is the 7<sup>th</sup> largest neighborhood in the City.
- There are approximately 935 total properties within the neighborhood – of which about 89% are in the Low-Intensity Residential category.
- 858 (91.8%) parcels within the neighborhood are currently developed.

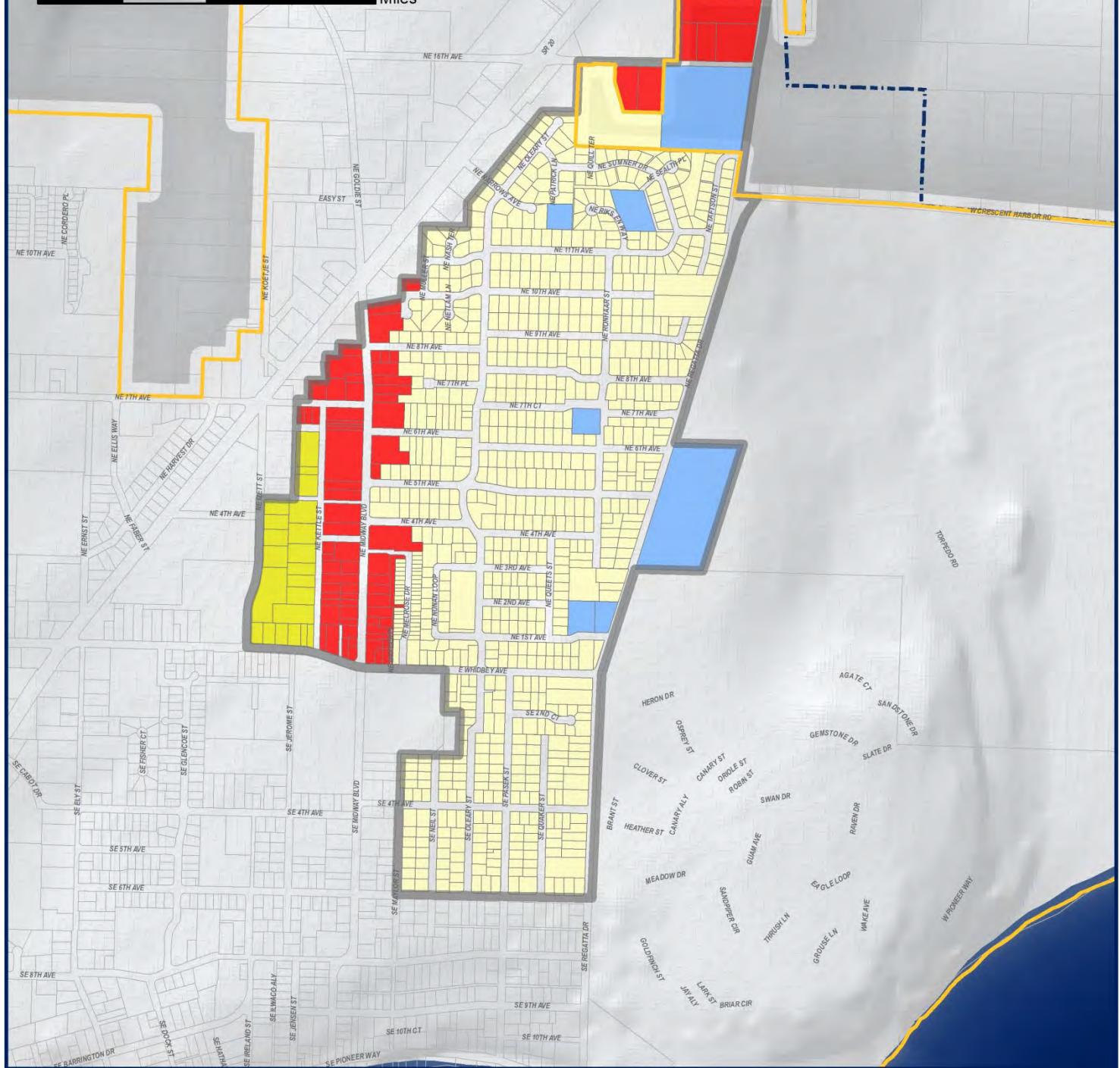
### ***Challenges, Opportunities and Strategies***

- The neighborhood has a strong grid system allowing for easy and efficient vehicular movement, but in many areas, it lacks infrastructure for pedestrians and alternative modes of transportation.
- Modern Midway is highly developed, and has very few large lots available for infill or redevelopment. A buildable lands inventory shows only a few scattered parcels that could be divided or redeveloped for residential uses.
- Higher-intensity land uses in appropriate locations.
- Pedestrian circulation in the neighborhood should be improved, with particular focus on the NE Regatta Drive, NE O'Leary and NE Kettle Street areas.

## Legend

-  Oak Harbor City Limits
  -  Oak Harbor Urban Growth Area
  -  Modern Midway
  -  High-Intensity Residential/Low-Intensity Commercial
  -  High-Intensity Commercial
  -  Public Facilities
  -  Low-Intensity Residential

0 0.125 0.25 0.5 Miles



# Modern Midway

## Fair Winds

*This neighborhood consists mostly of typical late 20<sup>th</sup>-century suburban development. A mix of single-family homes - generally built from 1970 to 1990, with some more recent developments – coexist with denser multi-family complexes grouped along the Oak Harbor Street corridor on the eastern edge of the neighborhood. Home of Oak Harbor High School and several churches and small neighborhood parks, the neighborhood is characterized by curvilinear streets and cul-de-sacs and generally lacks a typical street grid.*

### Data

- The neighborhood is approximately 369 total acres, ranking 6<sup>th</sup> largest in the City.
- It includes approximately 761 developed Low Density Residential lots, or approximately 17% of the total in the City.
- 59.7 acres (16.1%) of the neighborhood's total area is dedicated to Public Facilities land uses.
- Approximately 91.7% of parcels in the neighborhood are developed.



### Challenges, Opportunities and Strategies

- Fair Winds has little opportunity for infill due to its high level of development and significant areas used by public facilities such as schools and churches.
- Lots are generally larger than minimums required in respective zone districts, but not so large as to allow redevelopment or lot splitting on a large scale. A developable lands survey found potential redevelopment opportunities in an area generally clustered around the intersection of NE Heller Road and NE Crosby Avenue.
- This neighborhood has no commercial uses within its boundaries or within close walking distance.
- Fair Winds is bounded by four major thoroughfares within Oak Harbor. Increasing traffic with additional population in neighboring and outlying neighborhoods will be a concern in the future.
- Where appropriate, higher densities with flexible standards should be considered to promote development without compromising public safety standards.
- Accessory dwelling units should be promoted where viable.

## Legend

Oak Harbor City Limits

#### Oak Harbor Urban Growth Area

## Naval Air Station Land

Fair Winds

### Low-Intensity Residential

## Public Facilities

### High-Intensity Residential/Low-Intensity Commercial

0 0.125 0.25 0.5 Miles

0.5 Miles

0.5 Miles

## *Ault Field*



# Fair Winds

## **Ault Forest**

*The Ault Forest neighborhood generally consists of industrial and undeveloped lands at the north end of the city. Close proximity to the NASWI air field limits residential development. Commercial and industrial corridors are mostly situated on one of three roads: Goldie Road, Oak Harbor Street or Ault Field Road. Not including the Crescent Harbor Neighborhood, which includes exclusively US Navy lands, Ault Forest is the largest of the neighborhoods in the City, with over 800 acres in its boundaries.*

### **Data**

- Nearly half of the acreage in the neighborhood is located outside Oak Harbor city limits, but within the Urban Growth Area.
- More than 72% of parcels in the neighborhood are located outside City Limits.
- Only about 42% of the acreage within the neighborhood is considered developed by the standards used.

### ***Challenges, Opportunities and Strategies***

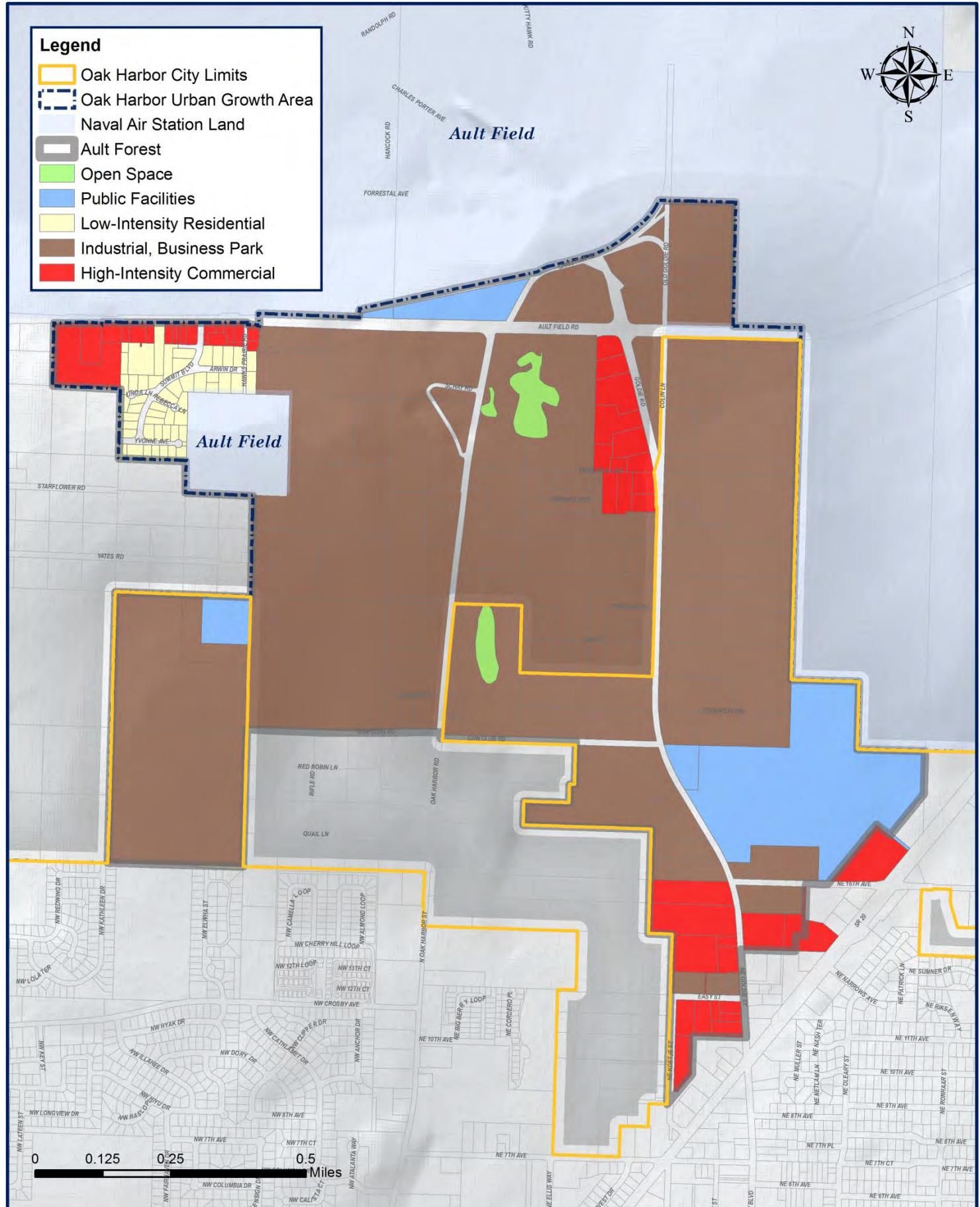
- While the neighborhood is comprised of large areas of undeveloped business and industrial park designated lands, the transportation network is under-developed and might be a hurdle to development in the area.
- As noted in the data above, most of the land in the neighborhood is under Island County jurisdiction.
- Development will need to account for wetland areas, which are currently unmapped.
- There is no comprehensive sewer system in the area.
- No new residential projects will be permitted in this neighborhood as the majority of it lies north of the 16<sup>th</sup> Avenue alignment.

## Legend

- Oak Harbor City Limits
- Oak Harbor Urban Growth Area
- Naval Air Station Land
- Ault Forest
- Open Space
- Public Facilities
- Low-Intensity Residential
- Industrial, Business Park
- High-Intensity Commercial



## Ault Field



## Ault Forest

## Gateway District

*The Gateway District neighborhood serves as the northern entry into Oak Harbor via Highway 20. As such, it is a heavily-traveled corridor and the visual first impression for visitors. The neighborhood is mostly commercial in nature, with businesses serving both local residents and visitors alike. Several hotels and restaurants are located along the Highway 20 corridor within the neighborhood. The more developed sections of the highway corridor are planted with mature trees through the Heritage Way program.*

### Data

- 84% of the neighborhood is designated as High-Intensity Commercial land use category
- The neighborhood includes approximately 43% of the City's High-Intensity Commercial land.
- Approximately 27 acres within the High-Intensity Commercial land use category are vacant according to the buildable lands survey.



### Challenges, Opportunities and Strategies

- The City should endeavor to complete the Heritage Way landscaping along the entire Highway 20 corridor.
- Bicycle and pedestrian facilities are lacking in certain areas.
- The northern portion of neighborhood is heavily impacted by Accident Potential Zones for Ault Field. These zones limit development in those areas.

## Legend

-  Oak Harbor City Limits
  -  Oak Harbor Urban Growth Area
  -  Naval Air Station Land
  -  Gateway District
  -  Open Space
  -  Public Facilities
  -  High-Intensity Residential/Low-Intensity Commercial
  -  High-Intensity Commercial

0 0.125 0.25 WILSON LOOP 0.5 Miles

0.5 Miles

### *Ault Field*



### *Seaplane Base*

# Gateway District

## **Silverspot Valley**

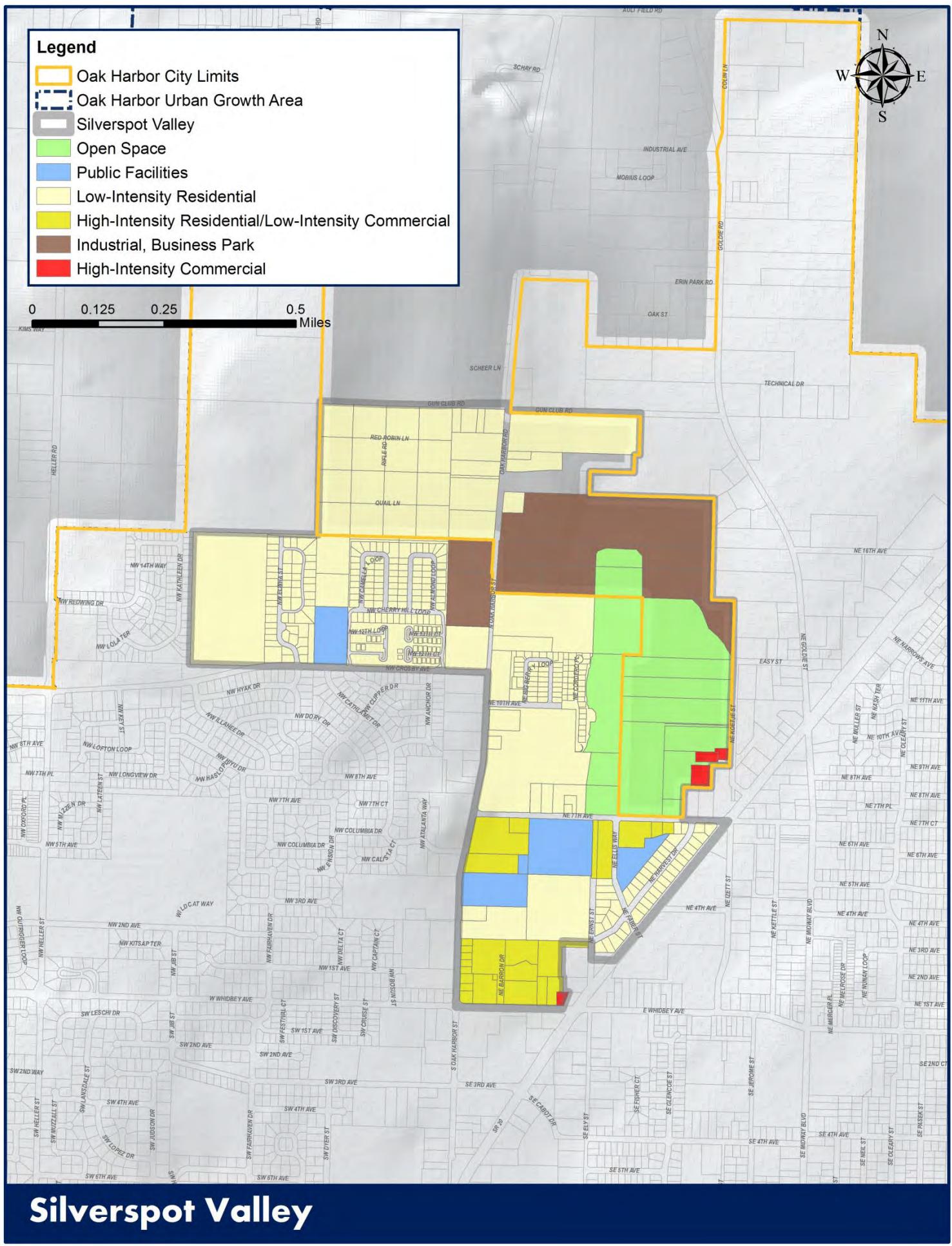
*The Silverspot Valley neighborhood includes some of Oak Harbor's denser residential areas, but also a significant area of permanent open space and wetland. The residential areas are a mix of single-family and multi-family residences and manufactured home parks, with higher densities occurring along the Oak Harbor Street and Crosby Avenue corridors.*

### **Data**

- Approximately 49% of Silverspot Valley is in the Low-Intensity Residential land use category. However, none of that land is in the R-I zone district – meaning there is a higher proportion of multiple-family properties in the neighborhood than would be expected. This contributes to the higher densities as shown in the 2010 Census numbers.
- 44% of the neighborhood is located outside City limits, but within the Urban Growth Area.
- Over 100 acres of land in the neighborhood is in the Open Space land use category.

### ***Challenges, Opportunities and Strategies***

- As noted above, a significant amount of land in the Silverspot Valley neighborhood is designated as Open Space. The wetland area that this designation protects is also buffered in many locations and may preclude development based on the distance required for buffering. Therefore, there may be a significant amount of vacant land that may not be available for development.
- Nearly half of the neighborhood is located outside Oak Harbor city limits. These areas may not be fully served by the City and may require sewer, water or other utilities to be extended before development can occur.
- Some of the northern portion of the neighborhood is located north of the 16<sup>th</sup> Avenue corridor, making it ineligible for residential development.



## **Swantown**

*Located on the far western side of the City, the Swantown neighborhood is comprised almost entirely of single-family residences, generally developed since the 1970s. Much of the neighborhood is located outside of the City limits while still in the Urban Growth Area.*

### *Data*

- Of the approximately 342 acres located in the neighborhood, 94.3% is in the Low-Intensity Residential land use category. The remaining land is in the Public Facilities category.
- Almost 42% of the land is located outside the City limits. All of that land is in the Low-Intensity Residential category.
- There are about 45 acres of vacant land in the neighborhood.
- Hillcrest Elementary School is located on land in the Public Facilities land use category. It is the only parcel in the neighborhood that is not in the Low-Intensity Residential category.

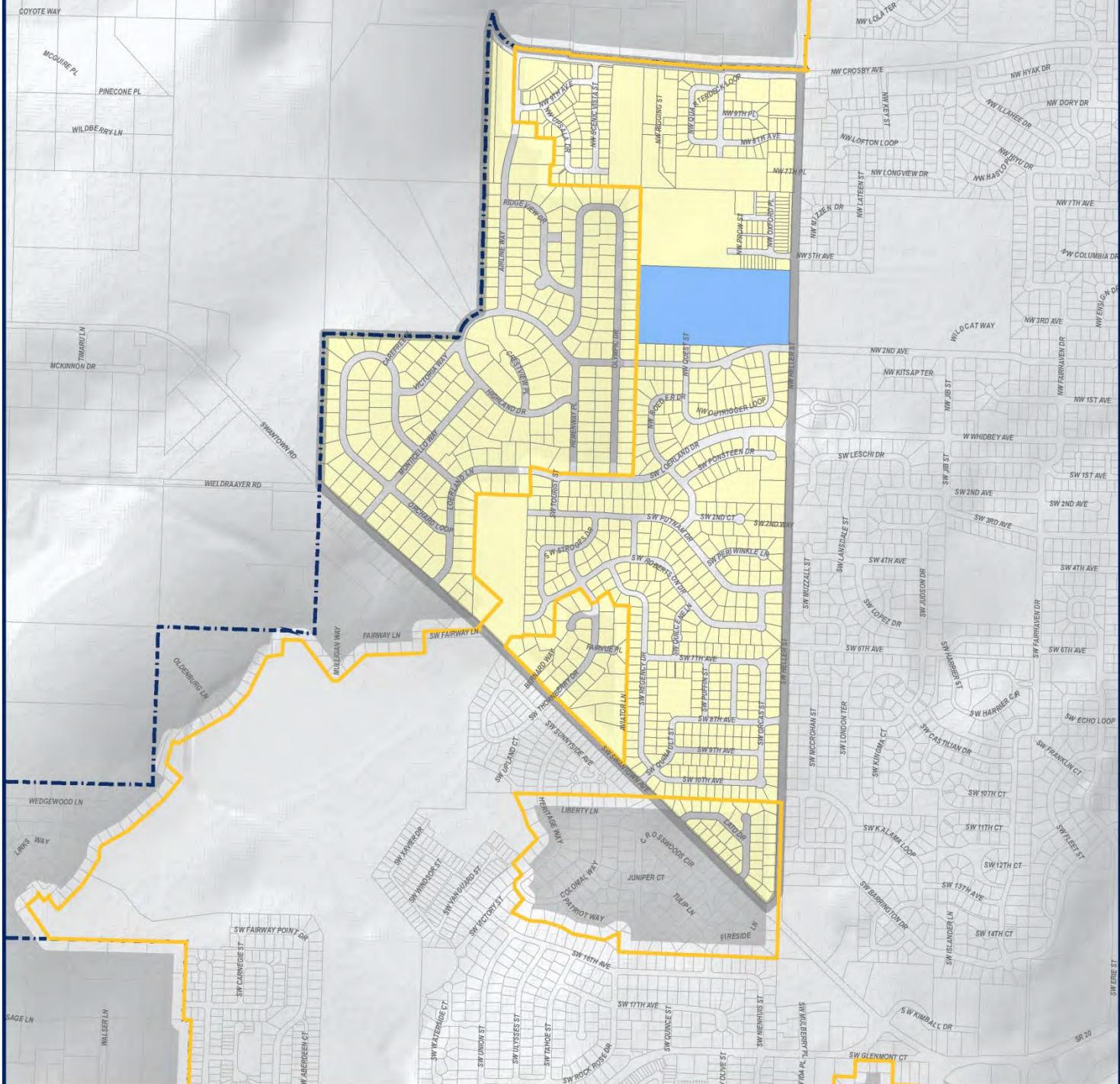
### *Challenges, Opportunities and Strategies*

- Many residential properties located outside the City limits are not connected to the City sewer system. Generally, they utilize community or individual septic systems.
- The eastern border of the neighborhood is Heller Road – a key north-south corridor in the City.
- Access to public parks is lacking in the neighborhood.

## Legend

-  Oak Harbor City Limits
  -  Oak Harbor Urban Growth Area
  -  Naval Air Station Land
  -  Swantown
  -  Public Facilities
  -  Low-Intensity Residential

0 0.125 0.25 0.5 Miles



## Swantown

## **Broad View**

*The Broad View neighborhood, named after the elementary school located within its boundaries, is home to established single-family residential areas and a concentration of churches near its eastern boundary. This area generally developed later than neighborhoods on the east side of Highway 20 and has homes dating from the 1960s to the present. Several small parks dot the area, both City-owned and privately held.*

### *Data*

- All of the Broad View neighborhood is located within City limits
- Approximately 74% of land in the neighborhood is in the Low-Intensity Residential land use classification. 15% fits in the High-Intensity Residential/Low-Intensity Commercial category.
- According to the buildable lands survey, there are less than 45 acres of vacant land in the neighborhood.

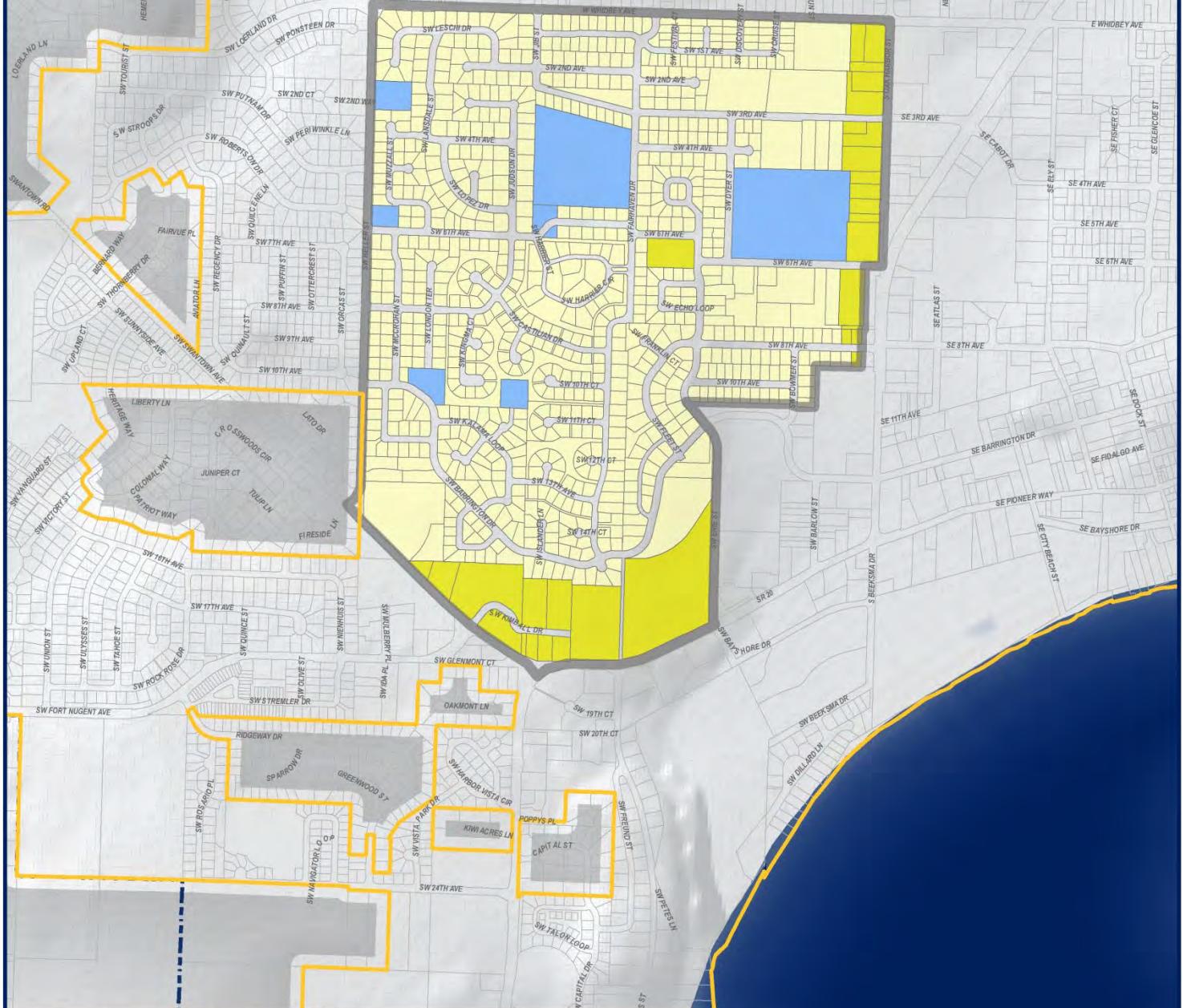
### *Challenges, Opportunities and Strategies*

- Heller Street, a key north-south corridor in the City, forms the western border of the neighborhood.
- Older areas near Highway 20 may be impacted by encroaching commercial development.

## Legend

-  Oak Harbor City Limits
  -  Oak Harbor Urban Growth Area
  -  Broad View
  -  Public Facilities
  -  Low-Intensity Residential
  -  High-Intensity Residential/Low-Intensity Commercial

0 0.125 0.25 0.5  
Miles



## Broad View

## **Fort Nugent**

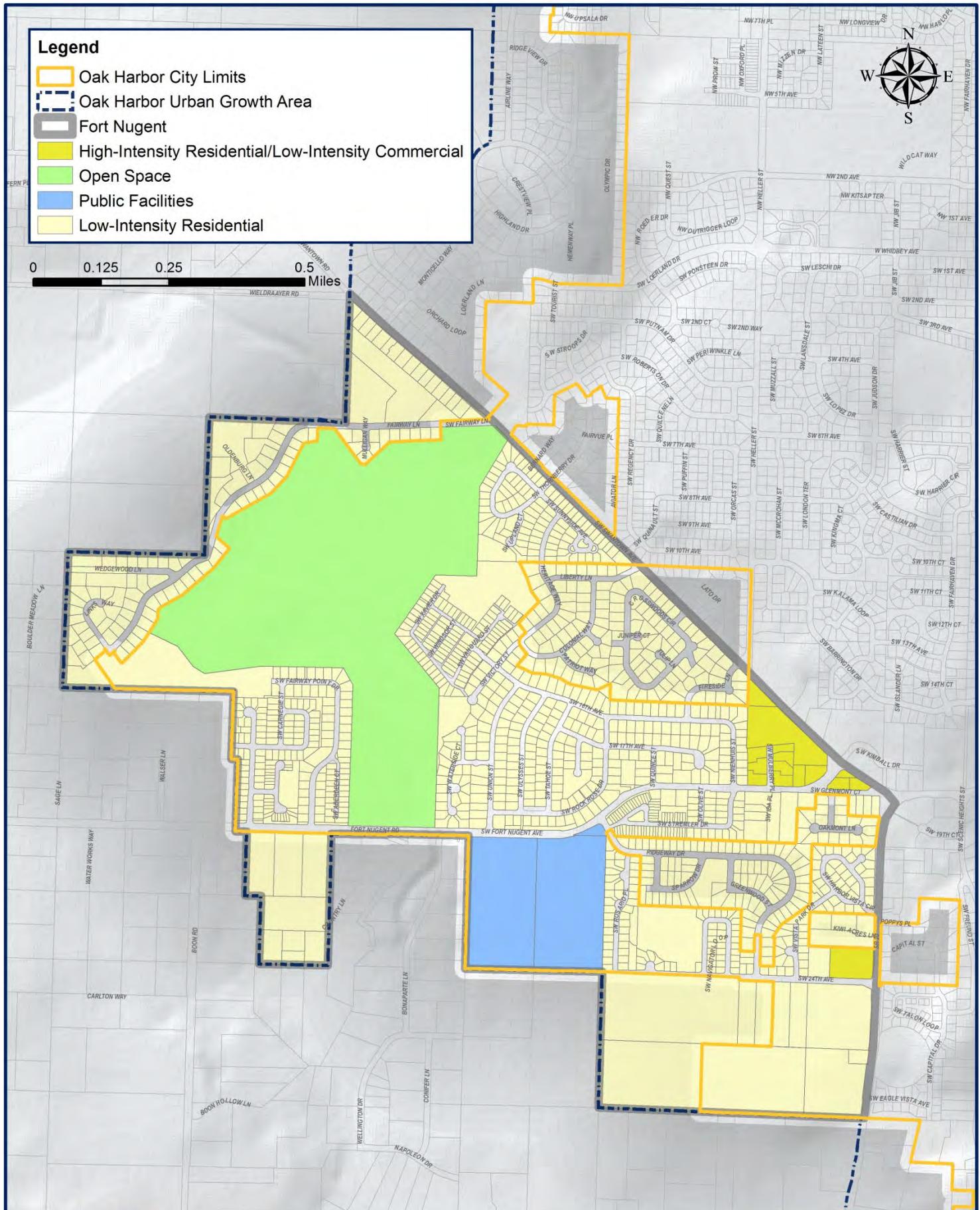
*Fort Nugent is Oak Harbor's southwestern frontier and the site of much recent single-family home construction. The neighborhood is also home to a private golf club and Fort Nugent Park, a large regional park with multiple sports fields, a large playground and open spaces.*

### **Data**

- Approximately 33% of the land in Fort Nugent is located outside the City limits, but within the Urban Growth Area. Unlike Swantown and other neighborhoods with land outside the City limits, there are several county “islands” that are surrounded by the City limits.
- Just over 68% of the land is in the Low-Intensity Residential land use category, but much of that is golf course.
- Fort Nugent contains over 146 acres of land in the Open Space land use category.

### *Challenges, Opportunities and Strategies*

- The neighborhood includes large areas of vacant land that may be open to development.
- Increasing traffic could present problems in the neighborhood, particularly at the intersections of Fort Nugent Road and Swantown Road and at Swantown Road and Highway 20.
- The trail system through the City could be augmented with a connection from Fort Nugent Park to Scenic Heights and on to the waterfront trail.
- The most logical expansion of the Urban Growth Area would include the Fort Nugent neighborhood.



# Fort Nugent

## Midtown

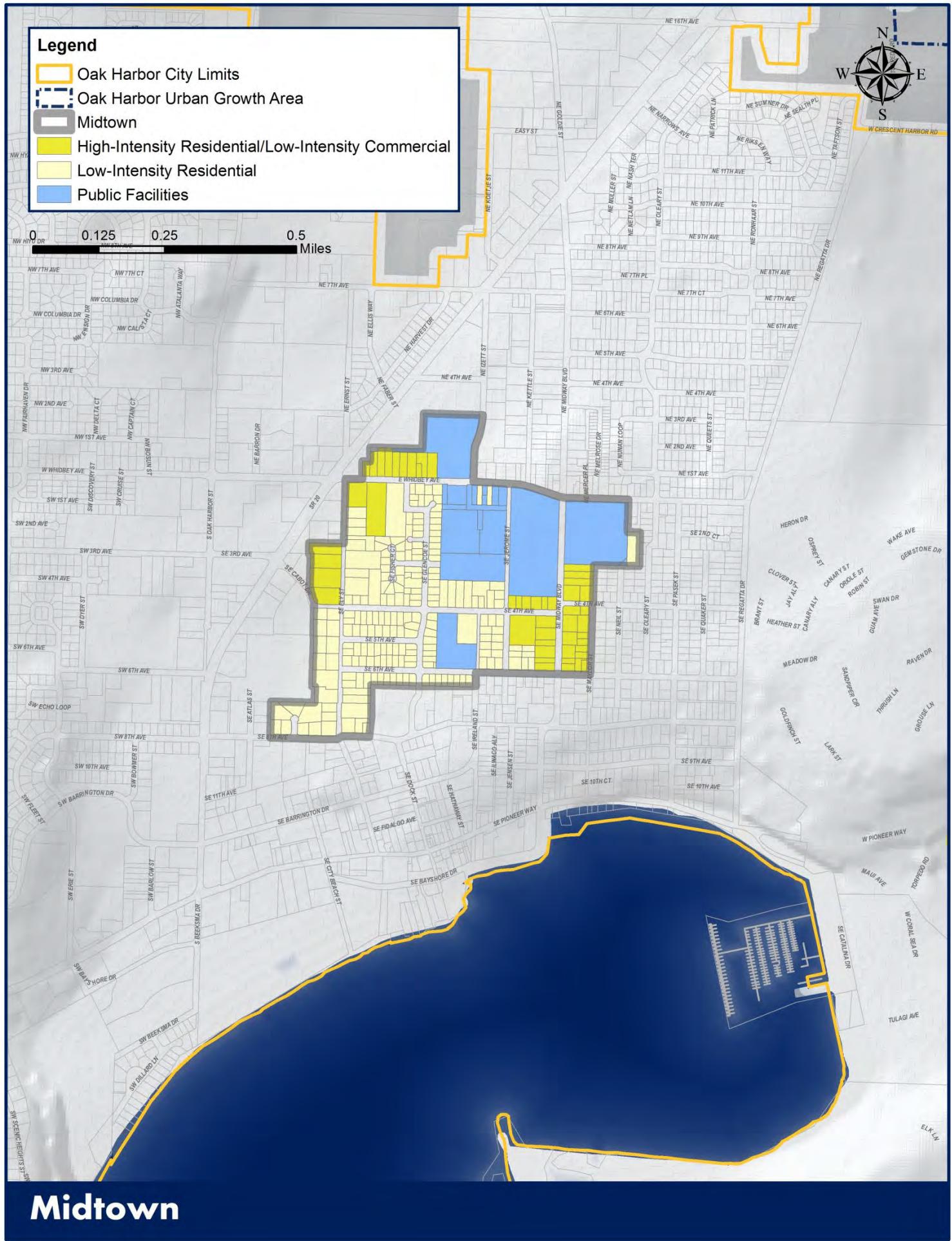
*This neighborhood includes the mostly-residential area just to the north of Oak Harbor's original settlement and the Old Town neighborhood. This small-scale "first ring suburb" is comprised generally of single-family homes, with a few multi-family parcels mixed in and some small-scale commercial businesses along Midway Boulevard.*

### Data

- This neighborhood has limited diversity in its land uses – nearly half (46.9%) of the land is in the Low-Intensity Residential category. The remainder is either High-Intensity Residential/Low-Intensity Commercial (20.2%) or Public Facilities (32.8%).
- The ratio of Public Facilities land use in this neighborhood is the highest in the City. Much of the land in this category is owned by the Oak Harbor School District and is utilized for Oak Harbor Elementary School and the district offices and support facilities.

### *Challenges, Opportunities and Strategies*

- There is a lack of pedestrian and bicycle infrastructure in the neighborhood – many subdivision streets were built without sidewalks. Bike lanes are absent from major traffic routes.
- The high proportion of land in the Public Facilities land use category may act as an impediment to redevelopment.
- Increasing density may be possible in some areas. Mixed use developments could be encouraged along the Midway Boulevard corridor and along Ely Street.



## Old Town

*Old Town encompasses the original Oak Harbor town site dating back to its first settlement. This neighborhood includes a wide variety of land uses, from the downtown commercial core to high and low density residential areas. Old Town is also home to the Oak Harbor Marina and all the waterfront property that is not located either in the Scenic Heights neighborhood or in the Navy-owned Crescent Harbor neighborhood.*

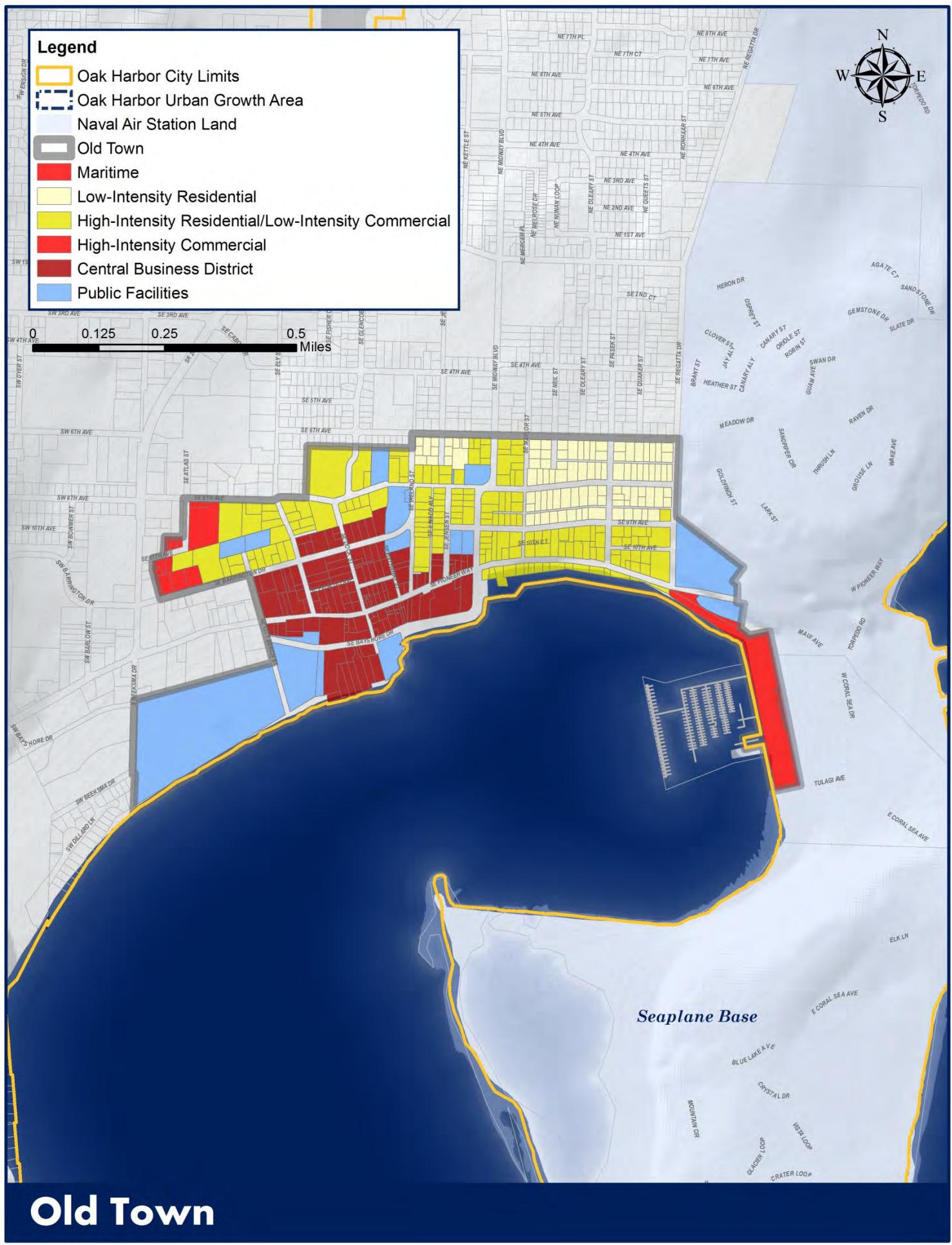
### Data

- Old Town includes five of the seven land use categories
- The City's entire Central Business District land use category is within this neighborhood. Of the approximately 41 acres of CBD-zoned land, about 12.8 acres are vacant.

### Challenges, Opportunities and Strategies

- This neighborhood includes a large concentration of Garry Oak trees. Protection of existing trees should be a priority and the inclusion of new trees may be considered for future projects.
- The marina area may support redevelopment and inclusion of support services and other commercial enterprises.
- Higher densities, where appropriate, should be considered to support downtown businesses and development and reduce pressure on the urban growth area boundary. Services already exist in all areas of the neighborhood, making it a good location for infill and increased density.
- There is limited parking in the area by design. Uses that do not require significant parking facilities, complementary uses that can share parking, and pedestrian oriented design should be encouraged.





# Old Town

## Byway District

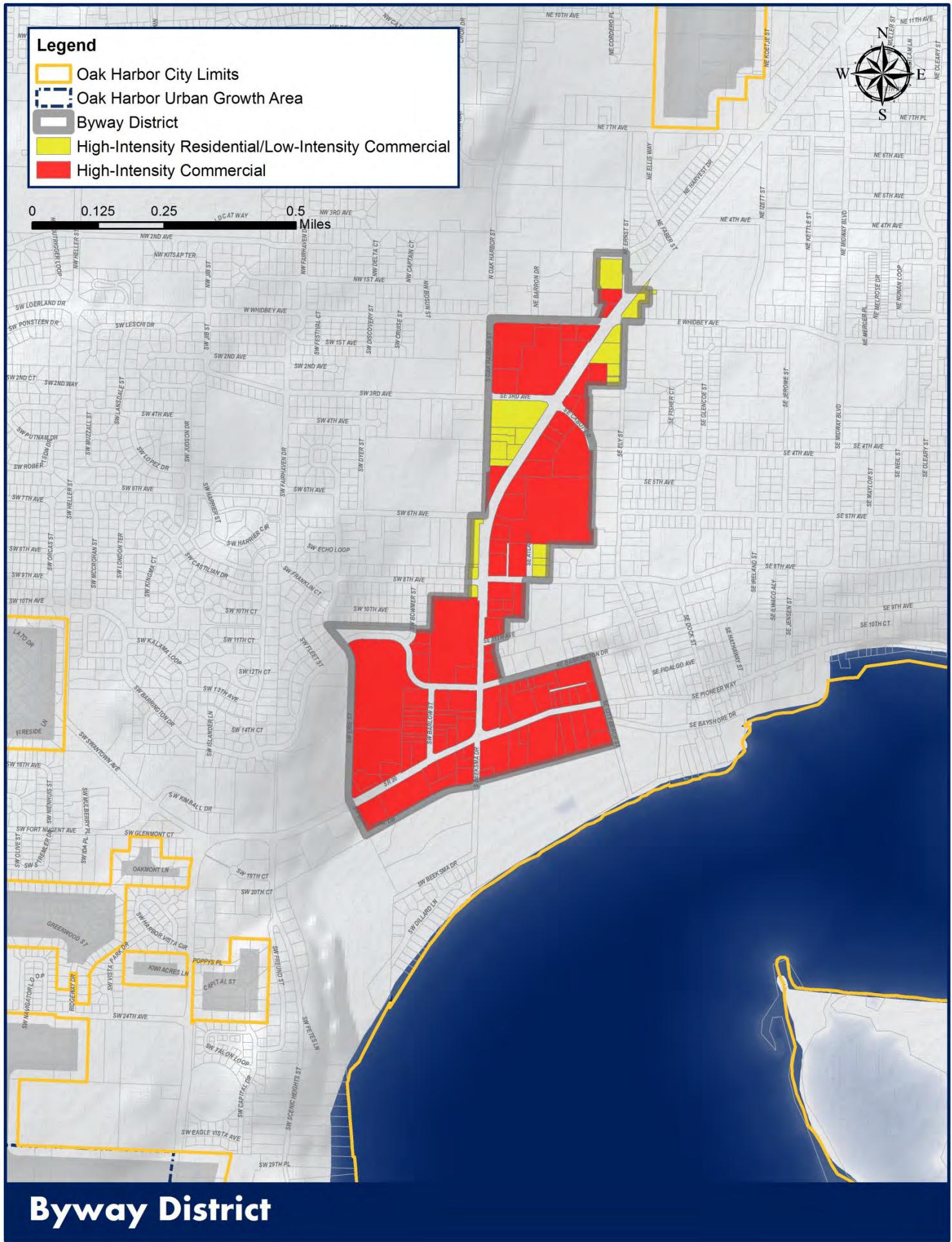
*The Byway District is Oak Harbor's auto-oriented commercial district, which is anchored by large retail stores that serve not only the City, but much of Whidbey Island. This neighborhood is characterized by more recent, large scale developments that include grocery, building supply and general merchandise retailers located behind landscaped strips and large parking lots. Most of the development in this area occurred after the 1960s.*

### *Data*

- At 164 acres, this is the second smallest neighborhood.
- The buildable lands survey shows only 15.8 vacant acres in the neighborhood.
- 119 acres are in the High-Intensity Commercial Land Use category.

### *Challenges, Opportunities and Strategies*

- Heritage Way landscaping theme should be implemented as many areas lack landscaping or could be upgraded.
- Proposed roundabouts at several locations will change traffic flow through the area.
- There are opportunities for redevelopment of under-utilized lands.
- Several high-profile vacant parcels are located in the neighborhood.



## Scenic Heights

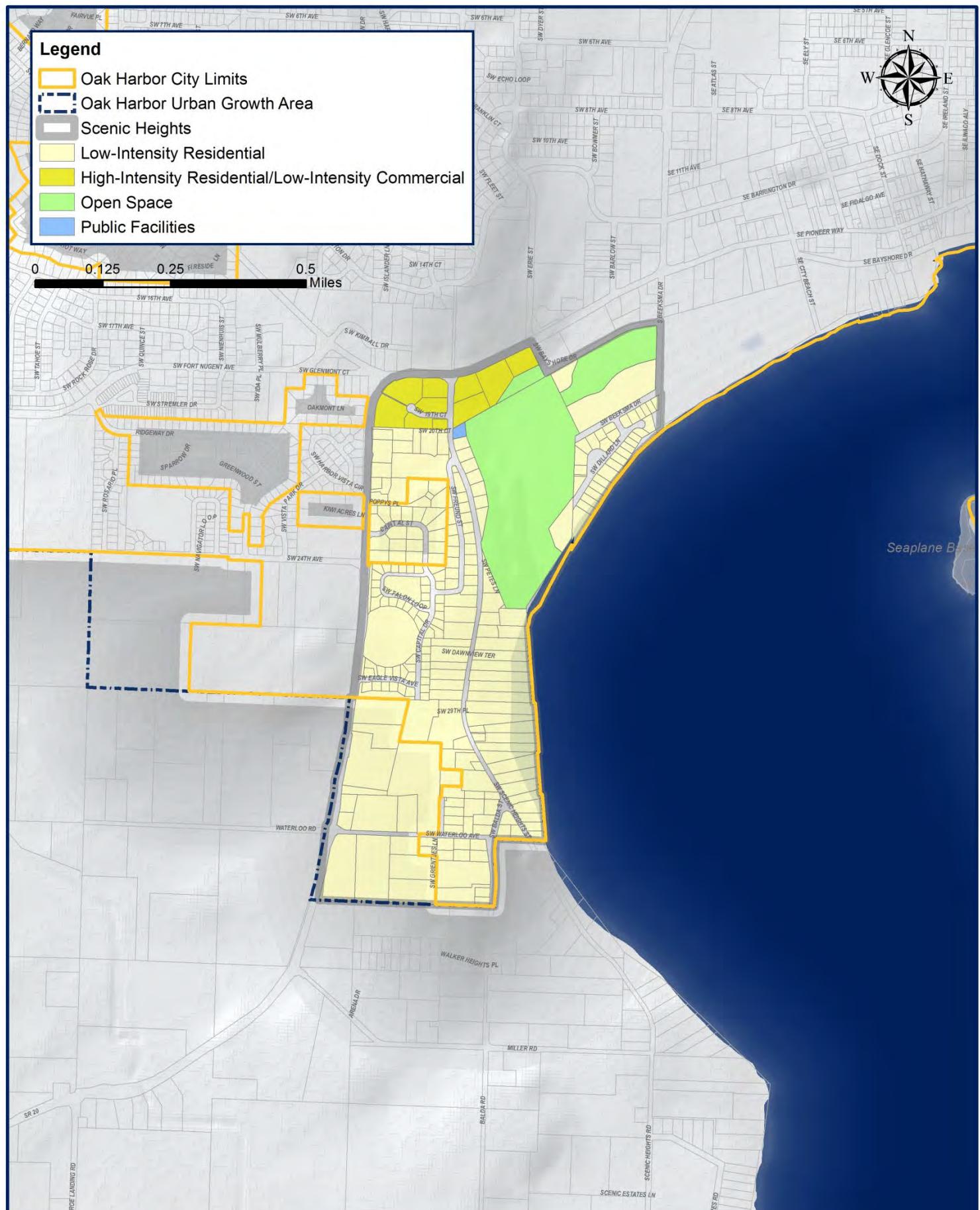
*The southern gateway into Oak Harbor, Scenic Heights consists mostly of residential properties and open space along the waterfront. Freund Marsh occupies a large area in the middle of the neighborhood, providing recreational opportunities, wildlife habitat and picturesque views. A walking and biking path that begins in Scenic Heights near the marsh continues into the Old Town neighborhood. Scenic Heights is home to the only waterfront bluff property in the City.*

### *Data*

- Approximately 18% of the Scenic Heights neighborhood is designated Open Space.
- More than 45% of the neighborhood is designated Low-Intensity Residential, with nearly half (51.5 acres) being located outside the City limits.
- There are approximately 57 acres of developable land within the neighborhood boundaries.

### *Challenges, Opportunities and Strategies*

- As the gateway to the City, special consideration should be made to the landscaping, design and overall appearance of the highway corridor.
- While there is a large parcel of open space in the Freund Marsh, there are no neighborhood parks available for the residents of the area.
- The two main roads through the neighborhood, Highway 20 and Scenic Heights Street, lack pedestrian amenities in many places.
- Infill development may be accomplished on larger lots through short plats or accessory dwelling units.



## Crescent Harbor

*The largest of Oak Harbor's neighborhoods, Crescent Harbor is entirely composed of US Navy-owned property. This area includes much of the housing provided for Naval Air Station Whidbey Island in several different locations. Crescent Harbor Elementary School serves many children in the neighborhood, as well as those residing outside City limits to the east of Oak Harbor. All of Crescent Harbor lies within City limits, but the City has no zoning jurisdiction in the neighborhood.*

### *Data*

- With nearly 2800 acres of total land area, this neighborhood is nearly 3 ½ times larger than the Ault Forest neighborhood.

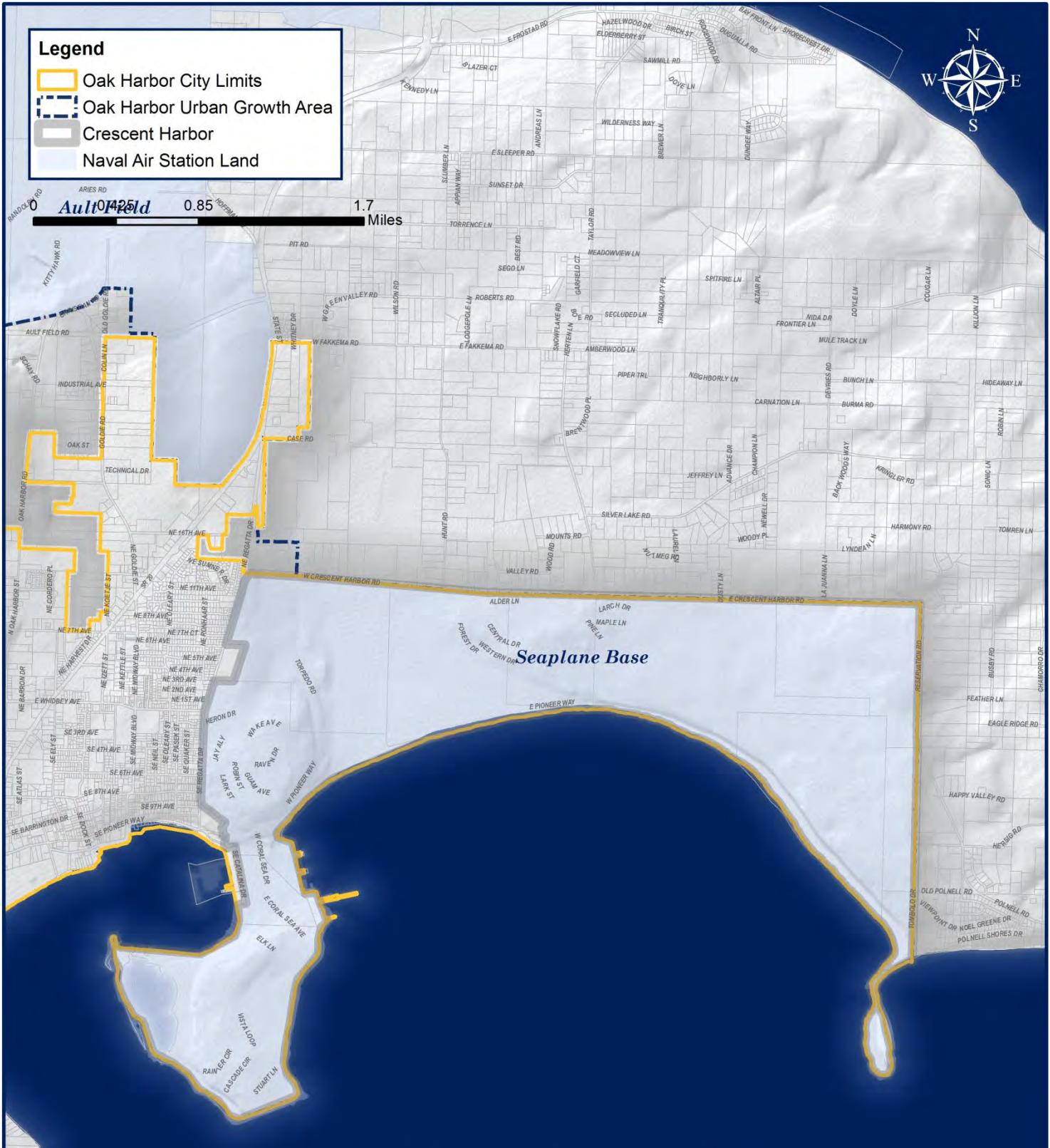
### *Challenges, Opportunities and Strategies*

- The neighborhood includes most of the coastline located in City limits.
- The neighborhood benefits from the recently adopted Shoreline Master Program.
- The Navy works with the City on planning and land lease issues.



## Legend

- Oak Harbor City Limits
- Oak Harbor Urban Growth Area
- Crescent Harbor
- Naval Air Station Land



Because Crescent Harbor is significantly larger than the other neighborhoods, it is presented here at one-third scale.

# Crescent Harbor

## Essential Public Facilities

GMA requires that each local jurisdiction planning under the Act provide a process within its Comprehensive Plan for identifying and siting “essential public facilities.” Facilities which fall into this category are those that are typically difficult to site, and are not anticipated by existing plans and zoning, such as airports, state education facilities, state or regional transportation facilities, correctional facilities, solid waste handling facilities and in-patient facilities including substance abuse, mental health and group homes (RCW 36.70A.200). The GMA prohibits communities from imposing outright bans on such land uses. The following policies address Oak Harbor’s process and criteria for siting essential public facilities.

1. Agencies proposing essential public facilities should demonstrate a justifiable need for the public facility and its location in Oak Harbor based upon forecast needs and a logical service area.
2. The City, in cooperation with proponents of essential public facilities, should establish a public process by which Oak Harbor residents have an opportunity to participate in a meaningful way in site selection and development review.
3. The City in coordination with other facility beneficiaries should establish a mitigation agreement to adjust the financial cost of receiving a public facility in exchange for inter-jurisdictional services.
4. The City should establish design criteria for public facilities to promote neighborhood and jurisdiction compatibility.
5. The City should establish a public use category to site facilities that may not otherwise be permitted.
6. Essential public facilities that are county-wide or state-wide in nature,

must meet existing State law and regulations requiring specific siting and permitting requirements.

7. At a minimum, essential public facilities shall be subject to all of the requirements of obtaining a Conditional Use Permit. Depending on the type of facility, the city may require additional reports or studies as part of its environmental review process to ensure that the impacts of the proposed development may be reasonably addressed.

## Property Rights

The protection of private property rights is one of the goals identified in the Growth Management Act. The purpose of providing local goals and policies on this subject is to maintain consistency between state and local requirements, and to provide a mechanism to ensure that the cumulative effect of local, regional, state and national regulations governing the development of land do not act to deprive a property owner of all economically beneficial use of property. In the relatively rare instance where such a situation should occur, there should be sufficient flexibility in local land use regulations to avoid a claim of "takings." Such flexibility should provide a reasonable use of property in a manner that balances the legitimate but competing interests of environmental stewardship and private property rights.

To protect the property rights of land owners

1. Allow for variances from the city's zoning and land use regulations to mitigate undue hardship when the literal application of those regulations would prohibit all reasonable development on a parcel of land.
2. Consider the use of reasonable use exemptions or transfers of development rights when a regulation would deprive an owner of all economically viable use of their property, or have a severe impact on the landowner's economic interest, or deny a fundamental attribute of ownership.



## Chapter 4 → Urban Design Element

*"The general tenor of the responses indicates a strong preference to not allow low-intensity development into natural areas, resource lands or highly visible open space. On the other hand, there was sentiment against dense urban-style development in town. Resolving these apparently conflicting viewpoints will be a major challenge in the planning process" ("The Oak Harbor Urban Growth Area Report: Draft Three," Appendix: Results of Public Workshops and Community Participation, 83.)*

Time and again the desire to protect the "rural feel," the small-town atmosphere, of Oak Harbor is expressed. This has already proven difficult in the face of trying to provide affordable housing, diversify the economy, and meet growth projections, while striving to avoid more intense urban-style development. It seems urban design standards could be used as an effective tool in bridging the gap between these Goals, since the nature of urban design is to address and direct the "feel" of a development project. It may be possible through urban design requirements, to retain a "rural feel" in even the densest developments. It is at this point the community should ask itself, "What do we want our community to look like; what atmosphere would we like it to project?"

In 2000 an Oak Harbor citizens' group known as Harbor Pride initiated a process focused on improving the design and function of the waterfront and "Old Town" area of the Central Business District (CBD). With assistance from the American Institute of Architects, Harbor

Pride conducted a design charrette and published the goals, findings, study area proposals and recommendations as *Harbor Pride: A Blueprint for Change*. The recommendations

from this community planning initiative are similar to those detailed in Harbor Watch a decade earlier. Because policy planning is intended to be continuous and responsive to the community and citizen initiatives, specific direction from Harbor Pride's report has been incorporated into the Goals and Policies of this element.

This section sets Goals and Policies to implement the vision of Oak Harbor. Development regulations should be consistent with the Goals and Policies.



**Goal 1 - The City shall retain the appearance and character established by existing forests within and around the community.**

Policies:

- I.a. Plans for new developments should include tree retention where practical, especially regarding healthy, mature trees, and replacement of those unable to be saved.

*Discussion - Methods could include: an ordinance requiring a minimum percentage of vegetation be retained in new developments, encouraging developments to seek alternative siting strategies that include existing vegetation, thus providing reduced landscaping requirements for projects that preserve existing trees.*

- I.b. Consideration shall be given to designating and protecting a "greenbelt" of wooded area or open land surrounding the urban growth boundary.

*Discussion - The area regarded as "greenbelt" is generally within the joint city-county planning area, beyond the urban growth boundary. Greenbelt may contain forested areas, as well as large tracts of farm land which characterize rural Whidbey Island.*

- I.c. A new landscaping ordinance shall be prepared which includes replacement of trees lost through land development.

- I.d. Plans for development on sites which contain significant forest areas or a portion there of shall include a forestry report to evaluate trees for retention.

*Discussion - Significant forest areas generally include stands of healthy Douglas Fir/Western Hemlock forest of 3 or more acres. Maps and aerial photographs showing forest areas and viewsheds are on file at the Oak Harbor Planning Department. (Also see the Environment Element, policy 6.g)*

- I.e. Priorities for tree retention and replanting should be given to buffers

along arterial streets, riparian areas and ridge lines as well as between different land uses and groupings of trees within developments and on rear lot lines.

## **Goal 2 - Develop design guidelines which maintain and enhance the unique character of Oak Harbor's natural setting and existing neighborhoods and districts while ensuring new areas develop with contextual sensitivity.**

### **Policies:**

- 2.a. Architectural and landscape design standards for multi-family residential units should be established to promote developments which are compatible with existing residential patterns.
- 2.b. Existing rural features, such as farm buildings which are structures of historic or architectural significance, should be retained where possible.
- 2.c. Pedestrian facilities should be maintained and enhanced, as consistent with the Transportation Element, to promote a pedestrian-friendly character.
- 2.d. Consideration should be given to recognizing and visually expressing separate commercial and residential districts in an effort to promote a sense of community.
- 2.e. The City should identify internal “gateways” between districts and neighborhoods and draft policies to help develop these areas with appropriate way-finding and landmarking initiatives.

*Discussion - By marking transition points between different areas with specific architecture, built form and public realm designs a more easily understood built environment and comfortable sense of place can be achieved. For example, specific districts such as the CBD or the waterfront could benefit from clearly defined boundaries that reinforce their unique sense of place.*

*The elements used to define gateways may include: landscaping, streetscape design, signage, building*

*scale and detailing, small parks, land use designation and public art. Areas for developing internal gateways include major street intersections, areas of change between residential and commercial districts, locations of significant topographic change, development sites at prominent street corners, and public buildings.*

- 2.f. Consideration should be given to revising the sign ordinance in order to encourage signage more in keeping with the unique character of Oak Harbor.
- 2.g. Starting with the downtown waterfront area from Midway to State Route 20 and north to Barrington Avenue, the City should develop separate overlay districts for the application of unique design guidelines.

*Discussion - The current commercial and industrial design guidelines are applied based upon the applicable zoning district of the project. One set of design guidelines may not be appropriate for every circumstance within that zoning district as areas with similar zoning may have different design needs. Developing design guidelines specifically for the CBD and waterfront areas would be beneficial for ensuring that new development is contextually sensitive to the city's natural environment, neighborhoods and precincts.*

- 2.h. Consideration should be given to establishing corridor specific guidelines for industrial corridors within the Enterprise Area (i.e. Oak Harbor, Goldie Roads, Gun Club Road and NE 16<sup>th</sup> Avenue). The nature of the design guidelines may vary depending upon the distance the project is located from the corridor. The guidelines should address the retention of a significant tree buffer along the identified streets.

### **Goal 3 - The City should adopt measures to improve urban design considerations which define the city's character.**

*Discussion - These measures should be created to promote high quality development and redevelopment in existing commercial areas and corridors such as CBD, the waterfront, and the Midway Boulevard corridor. These measures may include land use and design guidelines which allow for greater flexibility in uses, promote animated streets and develop pedestrian oriented districts and neighborhoods. For example: density transfers; performance based zoning; and, public realm design guidelines.*

#### **Policies:**

- 3.a. The City should establish design guidelines, which strongly discourage large parking lots located at corners of arterial intersections.
- 3.b. The City should establish design standards, which promote a trend for buildings, rather than parking lots, to dominate street fronts for commercial uses coupled with effective way-finding tools such as signage and parking program requirements.

*Discussion - The focus of this policy is toward pedestrian use in commercial areas and reducing the physical and visual dominance of vehicles.*

- 3.c. The City should establish design guidelines with stricter landscaping requirements for parking areas located between the street and the building, such as vegetation buffers.
- 3.d. The City should establish design guidelines incorporating wooded, open, and other natural areas into development designs to promote the area's natural setting.

- 3.e. The City should adopt maintenance standards for new landscaping in developments along major corridors.
- 3.f. The City should apply strict requirements for vegetative buffers screening property lines of commercial uses adjacent to single and multiple-family residentially zoned properties.
- 3.g. The City should establish design guidelines developing mandatory architectural and site design guidelines and performance standards with which all new retail development must comply. The City shall explore a plan provisional overlay process as the implementing vehicle to this policy for new retail development that exceeds 50,000 square feet in floor area.

**Goal 4 - Develop a public realm that is safe, aesthetically pleasing and interesting while promoting street life, opportunities for community interactions, and commercial and social activities.**

*Discussion - This goal is interrelated with the creation of guidelines for architectural design, public realm, and streetscape design.*

**Policies:**

- 4.a. The City should develop policies to strengthen the sense of place and unique qualities of its various districts and neighborhoods.

*Discussion - Policies should focus on characteristics that define a particular sense of place and support activities and uses that further strengthen those qualities. Waterfront and CBD policies should focus on improving the function of these areas as highly livable districts primarily for the community and secondarily as an attraction for visitors. It is important that these policies build upon the context of the city and not develop as artificial thematic programming. These policies may include public art plans and street furniture design guidelines that add visual and tactile interest throughout the city.*

## Goal 5 - Protect viewsheds and view corridors.

*Discussion - The City of Oak Harbor defines viewsheds as a panoramic view from a single location. Significant viewsheds include views of Mt. Baker, Mt. Rainier, Cascade mountain range, Olympic mountain range, Oak Harbor Bay, Maylor Point (especially wooded and tidal flat areas) and Saratoga Passage. View corridors are defined as views of landmarks or landscapes that are visible along a traveled path such as a public street or trail such as SR 20, SE Pioneer Way and the waterfront trail. The view corridors and viewsheds within the City should be identified and accurately mapped at a useable scale so they can appropriately guide development.*

*The City conducted a scenic view study in 2014 and determined that the following view corridors are important to protect.*

- *Northbound on SR 20 between SW Scenic Heights Street and SW Erie Street*
- *Southbound on SR 20 between NE 16th Avenue and Midway Boulevard*
- *SE Regatta Drive between SE 8th Street and SE 10th Street*
- *Waterfront Trail from Windjammer Park to the Oak Harbor Marina*

*The protection of the scenic views identified above should be done in coordination with adjacent property owners at the time of development using the policies listed below in conjunction with the application of existing design guidelines and administrative design flexibility.*

### Policies:

- 5.a. *Consideration of building impacts on viewsheds and view corridors shall be exercised in all developments, and mitigation measures shall be applied to protect existing views.*  
*Discussion - The City may incorporate policies and guidelines to protect these resources, such as developing: a unified bulk program for building envelopes; performance based zoning; and, density bonuses as development incentives.*
- 5.b. *Landscape buffers shall be required along major arterials, retaining existing vegetation where possible.*
- 5.c. *Free standing business signs should be consistent with the speed limit of roadways, and the character of land use districts.*
- 5.d. *Developments along Oak Harbor's waterfront should enhance the area's natural and physical aesthetics.*
- 5.e. *Scenic transportation routes should be identified. Adjacent property owners will be encouraged to protect scenic values.*
- 5.f. *The City and the Navy should cooperate on the protection of viewsheds and view corridors.*

**Goal 6 - The redevelopment of downtown Oak Harbor shall receive continued support, consistent with the *Waterfront Redevelopment, Branding and Marketing Program.***

*Discussion - Enhancing the pedestrian experience and improving connections and access to the waterfront from neighboring areas of the city should have the highest priority. The City may consider guidelines for: a comprehensive signage program to enhance way-finding; pedestrian oriented design elements within the public right-of-way; and, human scaled architectural detailing and building design.*

**Policies:**

- 6.a. The historic character of downtown and Harborside Shops area should be encouraged through the establishment of design guidelines and a design review process.

*Discussion - For example design policies for the CBD should support the development of an interrelated and connected system of pedestrian walkways while maintaining other access options. Additionally they should provide a variety of pedestrian oriented commercial and cultural opportunities along the street.*

- 6.b. Building heights should be coordinated in the downtown and Harborside Shops vicinity to enhance the area's view of the harbor.

***Industrial Development Design***

*As with commercial development, industrial activities can suffer from blight and unsightliness. However, with landscaping and architectural sensitivity to exterior design, color and materials, such activities can be attractive and complementary to the community. The use of dense, native, forest vegetation or the replanting of a variety of coniferous trees to buffer industrial facilities from neighboring land uses and right of ways can contribute significantly to improve their appearance.*

## **Goal 7 - Establish design guidelines for industrial and business park development.**

Policies:

- 7.a. Mitigate the visual and traffic impacts of industrial uses on adjacent properties and street corridors.
- 7.b. Require design standards for all development. These development standards could include:
  - 1. Retaining wooded buffers to screen adjacent non-industrial uses.
  - 2. Protecting sensitive natural areas.
  - 3. Buffering service areas, loading docks and storage yards.
  - 4. Providing generous landscaping of parking areas and buildings.

## **Goal 8 - Preserve, enhance, and promote significant historic and distinctive architectural features of the City.**

Policies:

- 8.a. Prepare an inventory of historic structures within the UGA.
- 8.b. Establish design guidelines which protect and enhance historic features within the community. Guidelines should apply to both new construction and renovation projects in order to promote design cohesiveness. Separate street furniture and pedestrian amenity guidelines should be implemented to create a unifying element along identified street frontages.
- 8.c. Adopt historic preservation building codes and incentives to promote renovation and preservation of buildings with historic value.

*Discussion - One method may be to establish a property tax structure which favors preservation of historic properties.*

- 8.d. Encourage registration of inventoried historic structures as State and National Historic Sites.

## **Goal 9 - The City should adopt measures to enhance the entryways into Oak Harbor with early and continuous community input.**

### **Policies:**

- 9.a. The entryways into Oak Harbor should be identified in the Comprehensive Plan. The following three primary, regional entryways are identified:
1. North: Along SR-20, from Fakkema Road to approximately 1500 feet north of the SR-20/NE 16<sup>th</sup> Avenue intersection.
  2. South: Along SR-20 from Waterloo Road to the SR-20/Swantown Road intersection.
  3. East: Along Pioneer Way, from Regatta Drive to Midway Boulevard.

The following secondary, local entryways are identified: Oak Harbor Road, Goldie Road, Avil Road, Regatta Drive, NE 16<sup>th</sup> Avenue, Swantown Road, Ft. Nugent Road, Heller Road, Crosby Road, Crescent Harbor Road, and Scenic Heights Road.

Note: The three, primary regional entryways were identified and mapped during the 1999-2000 Comprehensive Plan update process.

- 9.b. Design guidelines should be adopted that promote an aesthetically pleasing first impression of Oak Harbor and which will promote tourism. The guidelines should recognize the unique design characteristics and needs of the identified entryways. The guidelines should address various buffering techniques (vegetative or constructed) along the identified streets.
- 9.c. The design guidelines for the identified corridors should be applied\_outside of the UGA boundary so as to promote a cohesive corridor appearance. Applying

the guidelines in such a manner will require coordination between the City of Oak Harbor, Island County and the Navy.

*Discussion - The guidelines should focus on, but not be limited to: 1) providing special setbacks, 2) providing unique landscape features, 3) the inclusion of community signage, 4) a coordination of private signage for developments occurring at or near the identified entry ways, and 5) the preservation of existing trees.*

- 9.d. Form partnerships with the Navy, the Washington State Department of Transportation, Island County and other property owners to implement the entryway design guidelines.

**Goal 10 - The City should engage in a community visual analysis process with early and continuous community input.**

*Discussion - A community visual analysis process could be used to identify the desired visual character for the community. In this process the community, through a series of public meetings, reviews examples of existing developments (usually through a series of photographic slides). These examples are reviewed in order to determine which design features may be desirable and which may be undesirable. This process is intended to help the community arrive at a common vision of which design features or characteristics are desired.*

**Policies:**

- 10.a. Once a community visual analysis process has been undertaken, the City should revise existing design guidelines and/or adopt additional design guidelines (including supporting graphics) which implement that vision.

**Goal 11- Design guidelines should be established that encourage wireless and satellite communication facilities to be located and designed in such a manner as to minimize their visual impact to the community.**

**Policies:**

- 11.a. Consideration should be given to establishing design guidelines that address the appearance and siting of ground and building mounted satellite facilities.
- 11.b. Design guidelines should be established that require telecommunication facilities (especially monopoles) to blend into the surrounding environment.

# Chapter 5 → Parks, Recreation and Open Space Element

## Vision

The City of Oak Harbor is a beautiful place where the natural environment is woven into the urban environment with such care and precision that the sense of where the built form stops and nature begins is not known.

It's a place where human nature has the opportunity to find its balance with its surroundings by merging of the urban and natural environment in seamless ways, inviting nature into the community, and creating a wide range of spaces and experience where community can gather as one or the energy of one can rest in solitude and peace.

It is a town where the residents of all age groups are active and healthy and have a wide range of choices for recreation, engaging themselves in mental and physical activity all year round.

It's a city where the environment is clean with beautiful landscapes that line the streets and

pathways, opening up to breath taking views of the water and mountains. It invites boaters and kayakers into the community compelling them to spend time at this premier waterfront community.

## Guiding Principles

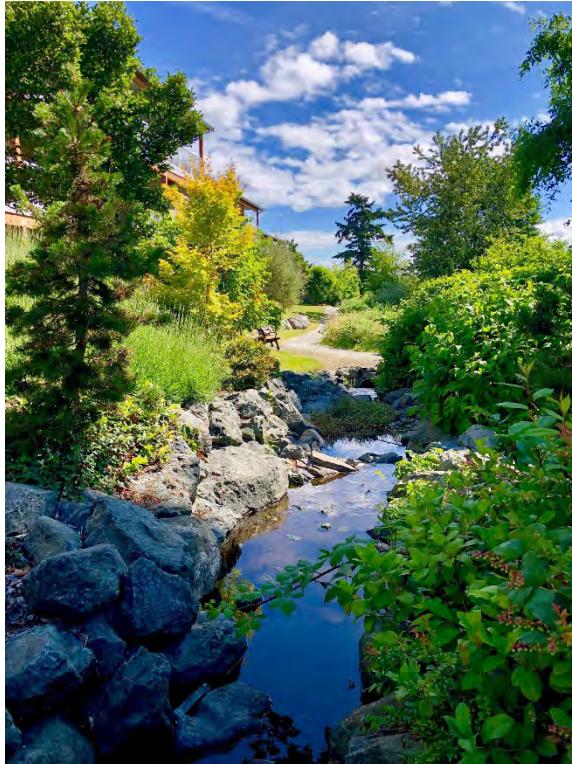
Guiding Principles set the basic foundation for the users of this Plan. The principles help to provide the reader with the right perspective, role, and understanding necessary to speak or act on behalf of this community accepted Plan.

- A.** The City of Oak Harbor recognizes, respects, preserves, and protects areas where nature will and must take its own course in shaping itself. However, the City also recognizes that it is the ambassador for change that is required to create space for the healthy existence of nature within the built environment.
- B.** The City recognizes, designates, and differentiates between the spaces that need to be protected and preserved from the



spaces that need to be restored and re-vegetated.

- C.** The management, acquisition, and development of open space, parks and recreation facilities must be done in a fashion concurrent with development so that a resident's mind should seldom contemplate the question of sufficiency or quality.
- D.** The recreational choices provided by the community, for the community, are of a community nature and will therefore provide opportunities for all within the community.
- E.** City parks shall uphold, respect, and promote the historical and cultural resources within the city.
- F.** Built structures are designed with aesthetic quality and built with natural and environmentally-friendly materials with low maintenance and long life spans.



- G.** City owned lands that are regional attractions will be maintained at higher levels of attention.
- H.** Creating community spaces shall include public input, balancing the needs of the community.
- I.** The City will choose to restrict access to natural areas if necessary to preserve, restore, or promote local and regional nature and wildlife habitats.
- J.** All open spaces, parks, and recreational facilities will be maintained to their designated level of attention recognizing that "no-maintenance" is also a chosen form of maintenance.
- K.** Native and natural features should include trails and open spaces that form a network of paths between the community's open spaces, parks and recreational facilities.
- L.** The City will periodically update the Parks and Recreation Plan to remain in compliance with the GMA and State requirements.
- M.** The City will be open to a two-way communication system between residents and City administration, to share, inform and receive input on parks, recreation, and open space opportunities and developments.
- N.** Reasonable safety measures will be incorporated into all aspects of the design of new facilities and equipment, acknowledging that people by choice indulge in sport and recreation activities that do have the potential for risks, accidents, and danger.
- O.** Recreational choices shall be provided to meet the needs of youth, adult, elderly and disabled populations.
- P.** The acquisition of land and easements to meet required levels of service shall be

required concurrent with development of property. Donation of land for parks, recreation, open space and trails, above and beyond the requirements, is encouraged.

- Q.** Recreation facilities shall be designed for use all year around and in most weather conditions.
- R.** Partnerships and relationships with other agencies such as, but not limited to, North Whidbey Parks and Recreation District, Island County, NAS Whidbey Island, Washington State, not-for-profits and other public and private entities, must be continuous, proactive and enhanced through communication, coordination, and participation.



- S.** Funding options and opportunities must be explored to provide a consistent revenue stream that will finance the success of the Vision.
- T.** Existing facilities shall be upgraded to meet health and safety standards and to assure the longevity of its service.
- U.** All projects initiated or partnered by the City, from conception to completion, will follow established planning processes, effective notification, public input / discussion, fair treatment and equal opportunity for all.

## Comprehensive Planning Goals

The goal statements in this section are a compilation of goals from the previous plan<sup>16</sup> as well as new ones that have been added based on the most recent public input process. Keeping the contiguity with previous plans provides the benefit of years of public input and implementation of the vision and long-term goals.

The Comprehensive Planning Goals include two types of goals. Some goals are “continuing” and others are “conclusive”. An example of a continuing goal is “Work with Island County to identify opportunities for trail connections, recreation activities, and preserving open spaces”. An example of a conclusive goal is “Develop the waterfront trail into a promenade connecting the marina to downtown”. A conclusive goal can be removed from this chapter after it has been completed.

The end result of an accomplished goal can also take various forms. Some may result in the construction or acquisition of a physical structure, building, or space, and some may result in the approval of codes, regulations, policies, agreements, etc.

Goals included here can be accomplished or furthered in several ways. Some goals can be accomplished by a proactive approach such as including them in the six-year strategic plan. Others can be furthered by using them in decision making for specific projects. They may also be used to support a private venture that may attempt to accomplish similar goals.

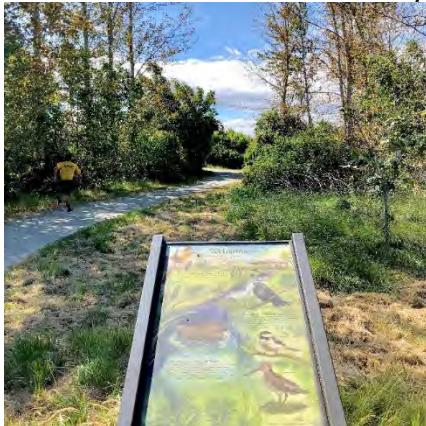
The goals have been broadly categorized into open space, parks, and recreation. A general

<sup>16</sup>. The 2009 update of the Plan drew from the goals and policies from previously adopted plans dating back to a plan originally drafted in 1989.

category has been created for goals that apply to all the elements. The goals listed within each section are not arranged in any order nor are they prioritized.

### Open Space

- a. Protect open space lands that provide forage, migration, and habitat for wildlife by identifying and designating them in plans, considering them during development review, and including protective measures in the City's development regulations.
- b. Partner with NAS Whidbey Island to formulate a Plan acceptable to both parties for the continuation of the Waterfront Trail to Maylor Point.
- c. Develop the waterfront trail into a promenade and improve the connection between the marina and downtown.
- d. Design and build trails around the 7th Avenue Wetlands Area.
- e. Provide safe and convenient trails for walking and bicycling between parks, neighborhoods and major activity centers throughout the City, and to other recreation sites on North Whidbey.



- f. Prepare a bicycle and pedestrian trails plan that establishes design standards and provides connections between City parks, residential areas and major activity centers.
- g. Coordinate between the City's and County's plans by integrating trail plans and connections from county, state and nationwide plans, and other regional agencies (ex. Bicentennial Trail, Pacific Northwest Trail, and other County-wide trails plans into the City Trail Plans).
- h. Identify and preserve open space lands that permit public access to the waterfront and other natural areas.



- i. Promote the conservation of open spaces that are in both public and private ownership.
- j. Identify and protect important “view corridors” that provide visual access to scenic vistas.
- k. Protect open spaces that provide important ecological functions and values.
- l. Work with Island County staff to identify opportunities for cooperation in preserving open space areas within the City’s UGA, as well as within the City / County Joint Planning Area.
- m. Promote a coordinated regional effort toward the preservation of open space.
- n. Identify properties that may be suitable to create an open space link between Waterloo Marsh and Swantown Lake.
- o. Recognize hydrologic and other features that create physical or visual linkages between properties and natural features.
- p. Establish an “open space trust fund” for the protection, preservation, and potential acquisition of open spaces through which individuals, organizations, governments, trusts, foundations, businesses, and other entities may contribute.
- q. Review and revise as necessary the City’s development regulations to ensure that adequate provisions are made to preserve open space as land is developed.

- r. Explore options to convert the property located on the southeast corner of SR 20 and Fakkema Road into an oak grove.

#### Parks

- a. Create a map of the City parks and trail system and publish to the City website.
- b. Post a City Parks directory map at Windjammer Park that graphically incorporates key City landmarks.
- c. Construct a concert/performance arts pavilion at Windjammer Park.
- d. Encourage private development of an RV park.
- e. Provide shoreline access, campgrounds and trail linkages for kayakers and others using human powered watercrafts.
- f. Provide more facilities for large group gatherings in parks.



- g. Provide upland facilities at Flintstone Park that will support the possibility of relocating



the Marina or developing future boating facilities.

- h.** Prepare a concessionaire policy and related ordinance for the City's shoreline and community parks.
- i.** Support and encourage opportunities for community events, sports and recreation rentals, local vendors, local performances, and other local programs.
- j.** Develop guidelines to promote private properties and existing developments to provide pocket parks along the City's arterial streets.
- k.** Upgrade existing structures and facilities to make them safe and extend their life and usefulness.



#### Recreation

- a.** Look for opportunities to use the former landfill site, where appropriate, as supplemental recreational facilities.
- b.** Develop a regional ball park complex to serve local needs and attract tournament-level sports competition.
- c.** Assist in developing programs to utilize existing facilities within the City to provide recreational opportunities for all ages.
- d.** Work with the School District to establish long term use of existing facilities where feasible to meet established level of service standards for recreational facilities identified as needed in the level of service analysis.
- e.** Work with North Whidbey Parks and Recreation District to establish recreational programs for youth in the community.
- f.** Coordinate with Island County to establish funding for recreational programs and facilities.
- g.** Build a community center that serves as an indoor multiple purpose facility for active and passive recreational needs that serve the residents all year round.
- h.** Update the Marina Improvement Plan to include projects that develops the facility

into a community-wide recreational facility and asset.

- i. Investigate long term funding options for the Marina that are sustainable and can serve the facility well into the future.
- j. Upgrade all existing facilities and utilities in the Marina to meet or exceed current safety standards.

#### **General**

- a. Explore revenue options to maintain adopted level of service for parks, recreation facilities, trails and open space.
- b. Plan for the acquisition of sufficient land for a community park that will help to meet level of service standards, replace /relocate existing facilities and accommodate future growth of the City over the next twenty years.
- c. Develop new volunteer programs to improve City parks, recreation and trails systems, and other areas in need of beautification.
- d. Prepare a lighting policy and associated ordinance for the City's community and neighborhood parks.

# Chapter 6 → Housing Element

*The Housing element provides a framework to develop adequate and diverse housing for existing and future residents within the city. This element provides policy guidance on the types and densities of housing that are appropriate to accommodate the city's needs. It addresses issues of affordability, density and how to accommodate the needs of those households that are burdened with housing costs.*

## Housing Development History

Oak Harbor's housing is relatively young. Less than two percent of the city's housing pre-dates 1939. The city's oldest homes are located in and around the Central Business District, and are mainly in the American Craftsman style (circa 1920).

As one would expect to see in a town that "grew up" with the military build-up of the mid to late 1900s, much of the city's housing

(particularly in the city's older east-side neighborhoods) was developed in the "tract" style of the 1950s, 60s and 70s. These tract homes are characteristically small, simple in form, and inexpensively constructed. Consequently, they are relatively affordable. Even though Oak Harbor's population is primarily transitory, the local supply of tract housing has been well maintained, and it is expected that these homes will have a relatively long lifespan.

In recent years local home builders have responded to demand for greater affordability by expanding the local supply of condominium style housing units, by developing single family homes on smaller lots, and by building more multi-family housing to accommodate the needs of more transient military households. Manufactured housing continues to fill a niche in the local housing market, supplying less than 10% of the city's housing stock.



## Demographic and Housing Data

### Population

According to the 2010 U.S. Census, Oak Harbor's population is 22,075. After growing at a rate of 40% during the 1980s, the city's population increased at a lower rate of 15% in the '90s and 12% between 2000 and 2010. Projected population figures suggest that the rate of growth will decrease to 9% and drop to 5% between 2020 and 2030. Figure 14 illustrates the city's growth from 1980 to 2000, with projected growth to 2036.

Year	Population	Percent Increase
1980	12,271	--
1990	17,176	40.0%
2000	19,795	15%
2010	22,075	12%
2020	23,937	8%
2030	25,161	5%
2036	25,925	3%

SOURCE: U.S. Census Bureau and projections by Island County and City of Oak Harbor

Figure 11- Population growth, 1980-2036

The state's Office of Financial Management (OFM) projects population growth on an annual basis. Their data indicates that the city's population has been slightly decreasing since 2010. This is mainly due to decreases in personnel at NAS Whidbey Island as they transition to acquire new squadrons in the later part of the decade. The new squadrons will cause a minor spike in Oak Harbor's population, after which the rate of population increase will fall back to historical levels. Failing any more large increases in squadrons in the next decade, the population is expected to have slight increases at an average of approximately 1% a year.

### Housing Units

The 2000 Census indicated that there were a total of 7,772 housing units in Oak Harbor. In 2010 the number of housing units increased by 1,781 units to 9,553. The population during that time frame increased by 2,280 people. In that same time period, vacancy rates increased from 5.6% (439 units) to 9.2% (876 units). Owner-occupied housing units rose by 2.6% from 3,172 to 3,979.

The percentage of owner-occupied housing in Oak Harbor is significantly lower than in Island County, and in the State of Washington. The low occupancy rate likely results from the high incidence of military personnel located at NAS Whidbey Island. The mobile nature of military employment acts to discourage home ownership investment among enlisted personnel. A comparison of home ownership rates is shown below is shown in Figure 15.

Area	% Owner Occupied	% Renter Occupied
Oak Harbor	45.9	54.1
Island County	70.9	29.1
Washington	63.9	36.1

SOURCE: U.S. Census Bureau.

Figure 12- Ratio of owner-occupied versus renter-occupied housing

### Household Size

As the city's population has increased over time, its average household size has decreased. From nearly 3 persons per household in 1980, the average household size has continued to decline to today's 2.53 persons per household. The decrease in household size seems to follow the national trend that saw a decline from 2.76 in 1980 to 2.59 in 2010.

Year	Population	# of Households	Avg. Household Size
1980	12,271	4,107	2.99
1990	17,176	5,971	2.88
2000	19,795	7,333	2.70
2010	22,075	8,677	2.53

SOURCE: U.S. Census Bureau.

*Figure 13 - Household size*

Failing extenuating circumstances, the household size is not expected to continue to decrease at the current rate and will likely stabilize at the current level. This is an important assumption since population projections for 2036 are based on the household size remaining at the current level.

### Housing Density

The city has approximately 1,941 acres of land devoted to Low-Intensity Residential and 275 acres for High-Intensity Residential/Low-Intensity Commercial land uses. In the Low-Intensity Residential land use areas, housing densities are permitted at between 3- and 16-dwelling units per acre. In the High-Intensity Residential areas, densities are permitted at up to 22 units per acre of land.

Historically over the past fifteen years, the overall housing density in the city has averaged approximately 7.47 dwelling units per acre which is up from the 5.7 units per acre noted in the last update in 2005. This may be due to a trend toward smaller households and the popularity of smaller homes. Housing densities from development during the last fifteen years are provided below. It should be noted that in 2016 the land uses were generalized. Therefore Low-Intensity Residential has densities ranging from 3 to 16 units per acre and High-Intensity Residential/Low-Intensity Commercial can have densities ranging from 12 to 22+ units per acre.

Land Use Category	Units	Acres	Avg. Density
Low-Intensity Residential	1280	292.3	4.38
High-Res/Low-Com	134	8.56	15.65

*Figure 14 - Density by Land Use Category*

Developments	Land Use	Units	Total Acreage	Density
Cherry Hills	Low-Intensity Residential	151	29.5	5.12
Spring Hollow	Low-Intensity Residential	32	4.03	7.94
Whidbey Links	Low-Intensity Residential	28	7.93	3.53
Woodbury Park	Low-Intensity Residential	37	6.06	6.11
Island Place	Low-Intensity Residential	105	19.45	5.40
Crosby Commons	Low-Intensity Residential	74	19.4	3.81
Whidbey Greens	Low-Intensity Residential	90	16.04	5.61
Harbor Place	Low-Intensity Residential	56	6.3	8.89
Rose Hill	Low-Intensity Residential	38	4.01	9.48
Fairway Point	Low-Intensity Residential	140	36	3.89
Highland Park	Low-Intensity Residential	25	4.75	5.26
Summer Wind	High-Res/Low-Com	48	2.42	19.83
Scenic View	High-Res/Low-Com	24	1.24	19.35
Foxwood Condos	High-Res/Low-Com	48	4.1	11.71
Kettle Cove	High-Res/Low-Com	14	0.8	17.50
East Park	Low-Intensity Residential	38	9.13	4.16
Redwing	Low-Intensity Residential	111	28.86	3.85
Barrington Heights	Low-Intensity Residential	23	7.6	3.03
Frostad Pond	Low-Intensity Residential	45	8.74	5.15
West Meadows	Low-Intensity Residential	61	15.4	3.96
Fireside	Low-Intensity Residential	226	69.1	3.27
			Total Average	7.47

Figure 15 - Multi-family complexes

## Housing Trends and Conditions

As the table below indicates, Oak Harbor experienced significant growth between 1981 and 1990. This growth prompted the 1993 study, *Housing Needs Assessment; Island County, Coupeville, Langley, Oak Harbor*.<sup>17</sup> This study documented housing shortages and affordability concerns primarily affecting low-income households throughout Island County. After the release of this study the county's rate of growth slowed significantly, for a variety of reasons.

In the area surrounding Oak Harbor, growth has historically been linked to the fortunes of NAS Whidbey Island. While the military base faced great uncertainty during much of the mid-1990s, existing conditions appear to be more stable. In 2012, NAS Whidbey announced the arrival of new squadrons by the end of the decade. Since the old squadrons will be transitioning out, the increase in population is expected to be small. Moderate or normal growth patterns are expected to continue.

While it is certain that housing affordability remains a significant issue for low- and moderate-income persons, the decline in the area's rate of growth suggests that housing pressures may have eased somewhat.

Year	Population Increase	Building Permits	Census Household size	# of Households	Population
1973-1980	1971	1223	2.99	4107	12,317
1981-1990	4859	1800	2.88	5971	17,176
1991-2000	2619	1154	2.70	7333	19,795
2001-2010	2280	1433	2.53	8677	22,075

Figure 16 - Increases by decade

<sup>17</sup> Judith Stoloff Associates.

## Housing Availability

Between 1980 and 1990, the number of housing units in Oak Harbor increased from 4,407 to 6,173, a jump of 40%. By 2000, that number increased to 7,772 units, representing a more modest increase of 21% during the '90s. By 2010, the Census indicates that the number of housing units grew to 9,553, which is an increase of approximately 22%. If the rate of growth in the last two decades is a sign of stability, it can be expected that the growth between 2010 and 2020 will also be approximately 22% which is approximately 2,054 units (approximately 205 units per year). However, the American Factfinder estimates that in 2014, housing units totaled 9,944, which indicates a slower rate of growth (less than 100 units per year). With the squadron increase at NAS Whidbey anticipated in 2017, the rate of growth in the latter part of the decade can be expected to increase.

In 2000, according to the U.S. Census, the city's vacancy rate for housing was 5.6%. The 2010 Census indicates that the vacancy rate has increased to 9.6. This may be due to a slight decrease in population that Oak Harbor has been experiencing since 2012. The decrease is primarily due to the Navy preparing for the transition in squadrons.

## Housing Affordability

In January 2015, the State released a report titled *Housing Needs Assessment for Washington*. It was commissioned by a diverse, governor-appointed membership of the Washington State Affordable Housing Advisory Board to create an unbiased accounting of housing affordability in Washington State. The assessment considered housing to be affordable when a household pays no more than 30% of its income for all housing costs. When a household pays more than 30% of its income for housing costs it is considered "cost-burdened" and when it pays more than 50% it was considered "severely cost-burdened." American Factfinder for 2014 (Figure 20) indicates that 46.8% of home owners and 48.7% of renters in Oak Harbor are considered cost-burdened.

	Owner	Renter
Less than 20 percent	19%	16.80%
20 to 24.9 percent	17.70%	16.70%
25 to 29.9 percent	16.50%	17.80%
30 to 34.9 percent	7.60%	10.10%
35 percent or more	39.20%	38.60%

Figure 17 - Housing cost as a percentage of income

## Housing Needs

The Buildable Lands Analysis (BLA) conducted in 2016 by Island County indicates that there is adequate capacity within the UGA to accommodate the 20-year population projection. The BLA estimates that Oak Harbor has an average<sup>18</sup> capacity for 1,985 units and that 1,629 units are needed to accommodate the 20-year population projections.

As part of the 2016 Update, Island County is considering policies to encourage more of the projected growth to occur within the UGA. To determine the impacts of such policy shifts, Island County calculated development capacities under 10%- and 20%-shift scenarios. The tables below indicate the capacities under these scenarios. The County eventually chose to not consider policies for an increased shift with the 2016 update, however this may be an option that will continue to be considered and discussed after the update cycle. The City will continue to work in collaboration with the County to ensure that services can be provided to support any increase in population shifts.

2036			
2010	Baseline	10%	20%
22,075	25,822	26,447	27,071

Figure 19 - Projected Oak Harbor population, with allocations

	Baseline		10% shift		20% shift	
	Allocation	Growth	Allocation	Growth	Allocation	Growth
North Whidbey						
Oak Harbor	60%	3,747	70%	4,372	80%	4,996
Rural	40%	2,498	30%	1,874	20%	1,249
Regional Allocation	100%	6,245	100%	6,245	100%	6,245

Figure 18 - Population growth allocation and shift

<sup>18</sup> The density for the various zoning districts in Oak Harbor accommodates a range from low to high.

Therefore the BLA uses the average of these densities to determine capacity.

		Baseline		10%		20%	
	Housing Capacity (Housing Units)	Additional Housing Units Need*	Excess Housing Units	Additional Housing Units Need*	Excess Housing Units	Additional Housing Units Need*	Excess Housing Units
Low	1,016	1,629	(613)	1,901	(885)	2,172	(1,156)
Average	1,985	1,629	356	1,901	84	2,172	(187)
High	2,490	1,629	861	1,901	590	2,172	318

Figure 20 - Land Capacity, 2036

## Summary

The local housing market is driven primarily by conditions at NAS Whidbey Island. While the area is undertaking efforts to diversify its economy, it is expected that changes in base population will continue to dominate local housing issues.

The census data for the last two decades and population projections suggest that area growth will continue at moderate levels in the foreseeable future. As growth continues, the city will need to remain diligent in implementing strategies that will continue to provide housing that is affordable to all economic segments within the community.

## Goals and Policies

### Goal 1 - Ensure that adequate opportunities exist for low and moderate-income families to obtain affordable housing.

Policies:

- I.a. Provide land use policies and development regulations that allow for a variety of housing types and residential life styles, to accommodate households in varying income ranges.
  - I.b. Encourage alternative housing types from the standard single-family residences by using contemporary building and planning concepts, including apartments, condominiums, small lot, zero lot line, attached patio, townhouse, and manufactured housing.
  - I.c. Promote the inclusion of affordable housing developments through incentives, density bonuses, and flexible development regulations.
  - I.d. Promote the inclusion of subsidized units throughout the community to diversify neighborhoods.
  - I.e. Promote the location of affordable housing in proximity to transit routes to ensure the most efficient and cost-effective use of public transportation.
  - I.f. Support efforts to develop self-help housing programs.
  - I.g. Allow provisions in development regulations for inclusionary affordable housing and density bonus performance standards.
  - I.h. Allow for the development and preservation of manufactured home
- communities, using design guidelines that ensure that such communities are compatible with existing neighborhoods.
- I.i. Support and monitor mediation services for tenant/landlord dispute issues.
  - I.j. Encourage the development and implementation of affordable housing as part of the City's annexation program.
  - I.k. Monitor affordable housing availability for low and moderate-income populations.
  - I.l. Encourage the development of accessory units to address housing needs and increase capacity.

## **Goal 2 - Promote housing opportunities for special needs population.**

### **Policies:**

- 2.a. Accommodate land uses and housing that provides for the needs of the elderly, disabled, and infirm.
- 2.b. Support the Island County Housing Authority and Opportunity Council to address siting and development of housing for special needs populations.
- 2.c. Work cooperatively with social service providers, local churches, other organizations and individuals, to address the needs of homeless persons by establishing options for short-term homeless shelters and encampments.
- 2.d. Allow for the development of assisted housing in appropriate locations.
- 2.e. Ensure compliance with State and National Standards for group homes and family day care facilities.

## **Goal 3 - Identify and provide sufficient and appropriate land for housing.**

### **Policies:**

- 3.a. Monitor inventory of developable land, to ensure adequate land is available for projected housing needs.
- 3.b. Allow for a range of densities to ensure maximum choice in housing options.
- 3.c. Consider incentives and flexibility in development standards to promote mixed uses that include housing in commercial development .

## **Goal 4 - Preserve, maintain and improve the value of existing neighborhoods.**

### **Policies:**

- 4.a. Enforce existing housing codes and maintain code enforcement efforts in residential areas.
- 4.b. Invest in existing infrastructure as a means to encourage private reinvestments.
- 4.c. Encourage redevelopment and infill of underdeveloped residential properties.



# Chapter 7 → Transportation Element

*This element aims to provide a 20 year vision for Oak Harbor's transportation system, which respects the community's history, culture and character, supports anticipated growth in the region, and builds on Oak Harbor's momentum as an attractive community in which to live, work, and play by supporting safe and comfortable travel by all modes through 2036.*

The vision for this element is to provide a safe, balanced, and efficient multi-modal transportation system that is consistent with the City's overall vision and adequately serves anticipated growth. Guidance from City staff, stakeholders, citizens, Planning Commission, and City Council helped identify several priorities:

- Improve safety for all road users in Oak Harbor through thoughtful planning and street designs that accommodate all modes;
- Encourage the efficient movement of people and goods through an interconnected transportation network that includes streets, sidewalks, bike paths, public transit, and other transportation facilities; and,
- Ensure Oak Harbor's transportation element complements the City's land use vision and adopted plans and Island County's transportation network.

The transportation element sets a framework for understanding, prioritizing, measuring, and creating a transportation network to help Oak Harbor achieve its vision.

## Planning Framework

The State's Growth Management Act of 1990 requires communities to prepare a transportation plan that links directly to the City's land use decisions and financial planning. This transportation element fulfills the mandate.

Additionally, given the status of State Route 20 as a major transportation corridor that travels through Oak Harbor, this plan aims to coordinate with the Washington State Department of Transportation (WSDOT) to ensure that this state facility can adequately serve the region's needs.

As part of this planning process, several local, regional, and state plans and documents that influence transportation planning in the City of Oak Harbor were reviewed. This section summarizes some of the key regional plans that were reviewed.

*The Skagit and Island Counties Metropolitan & Regional Transportation Plan (2010-2035), prepared by the Skagit Council of Governments, lays out the long term goals for growth management, economic, and transportation issues.*

*Island County's Transportation Element* is intended to serve as a guide for making transportation decisions to address both short and long term needs. The overarching goals of the plan are to provide a safe and integrated transportation system that maintains and preserves the existing system, while supporting the land use development and economic vitality. The projects outlined within the county's 20-year project list focus on preserving and managing the existing transportation system and implementing safety projects, rather than adding more roadway capacity.

*State Route 20, Swantown Road to Cabot Drive (WSDOT, 2005).* WSDOT partnered with the City of Oak Harbor to review SR 20 corridor needs and develop a detailed plan that will facilitate design and construction of future highway improvements. The goal of the analysis was to determine how best to redesign the section of the corridor, between Swantown Road to Cabot Drive, to improve levels of safety and mobility, while encouraging better access to land uses and improving the aesthetics of the corridor to match the city character.

Based on the traffic analysis of six key intersections within the project area, roundabouts were determined to be the best solution to improve safety and mobility along the corridor. In 2012, WSDOT released a briefing report and technical update to the 2005 plan, which further analyzed traffic within the study area and updated the costing estimates of the improvements recommended in the pre-design analysis. As of June, 2015, the project was funded by WSDOT as part of the Connecting Washington Projects Highway Improvements Program<sup>19</sup>. The project is scheduled for implementation between 2027 and 2029.

*The Whidbey Scenic Isle Way Corridor Management Plan (CMP)* was created for the state scenic byway that consists of SR 525 and SR 20 on Whidbey Island. The corridor, which spans from Deception Pass to the Clinton Ferry Terminal, is characterized as a “ribbon of commerce and connectivity for island communities”. The vision of the Whidbey Scenic Isle Way is to enhance visitors’ experience and preserve the quality of life enjoyed by island residents.

The CMP serves as a tool that provides recommendations for specific strategies and actions that improve, enhance, and sustain the corridor’s unique intrinsic qualities and the many enjoyable experiences it offers. In regards

to transportation, the plan outline several goals such as promoting the non-driving experience, improving the aesthetics of the transit system and park-and-ride lots, expanding the multiuse trail system, and providing safe and convenient crossing opportunities for pedestrians.

*The Oak Harbor Transportation Plan, (April 2016),* prepared by Fehr & Peers, serves as the principal functional plan for this element and includes level of service reports, land use and travel demand, and travel demand modeling documentation supporting this element.

## Existing Conditions and Trends

The way people travel is greatly influenced by the built environment, which includes land use and travel corridors, as well as the key destinations where people live, work, play, shop, and recreate. This section also describes trends in how people are traveling based on anticipated development patterns and travel mode data.

### Land Use

The main commercial areas in Oak Harbor, where people tend to shop, are located downtown and along State Route (SR) 20; these areas are zoned Central Business District (CBD) and high-intensity commercial as shown on the Land Use Map in the Land Use Element of this document.

Oak Harbor’s Old Town District (downtown) features older buildings that are home to a variety of commercial uses including a mix of office and retail uses, as well as restaurants. The area along SR 20 is characterized by auto-oriented commercial development that features larger scale buildings and parking lots. Other areas of commercial and industrial land uses are located in the northern portions of Oak Harbor, and military land uses are adjacent to the eastern and northern city limits. Much of

<sup>19</sup> Leap Transportation Document 2015 NL-1

the remaining City area is zoned for single-family residential.

It is important to consider that areas of commercial, industrial, and dense residential land use tend to have more concentrated trips and can be supportive of alternative modes of travel such as transit, whereas areas of low density residential tend to have dispersed trip patterns more conducive to trips made by personal vehicle.

Oak Harbor's Old Town District functions as the historical city center. It is a major trip generator for all modes. It features a mix of commercial, residential, and civic destinations such as City Hall and the public library.

### **Island Transit's Harbor Station**

Island Transit's Harbor Station serves a major transit hub and transfer center in Island County. Located on Bayshore Drive, the Harbor Station is served by nine transit routes, and connects to destinations as far as the Anacortes and Clinton Ferry Terminals. The Harbor Station is well connected to the Old Town District, and provides access to a nearby surface lot for passengers who access transit by car. There are



also bicycle and pedestrian amenities at the

station area, including shelters, bathrooms, benches, and bike parking.

### **Oak Harbor Waterfront**

Located on the south side of Oak Harbor's Old Town District, the Oak Harbor Waterfront provides access to parks, trails, and the Marina. Many residents and visitors alike enjoy the waterfront area and travel and recreate on Oak Harbor's Waterfront Trail, which spans the entire City waterfront. The Waterfront Trail serves as a major non-motorized route for residents and visitors. It connects trail users to destinations in Old Town such as shops, restaurants, and the Skagit Valley College. The trail also provides important connections for residents who live on their boats in the Oak Harbor Marina.

### **Naval Air Station Whidbey Island**

The Naval Air Station Whidbey Island (NASWI) is located on two pieces of land near Oak Harbor. The primary section of the base, Ault Field, is located about three miles north of Oak Harbor. Ault Field, totaling approximately 4,250 acres in size, features the main airfield, administrative and industrial buildings, a



hospital, a variety of housing units, and several

recreational areas including an 18-hole golf course.

The secondary section of the base, the Seaplane Base, is located just east of Oak Harbor's Old Town District. The Seaplane Base encompasses approximately 2,820 acres. About twenty percent of this land area is developed, primarily with single family housing.

NASWI's personnel contribute to a significant amount of traffic on roadways leading to Ault Field and the Seaplane Base. Traffic near the bases becomes backed up during shift changes, as personnel enter/exit the base at Goldie Road and West Ault Field Road; Langley Boulevard and West Ault Field Road; and West Crescent Harbor Road and Torpedo Road.

Although the majority of personnel commute by private vehicle, many young personnel do not own a vehicle, and rely heavily on Island Transit, walking, and/or biking for their travel. The anticipated growth in population (see below) is expected to increase the number of young personnel, who typically lack access to a personal vehicle and are dependent on other modes.

Today, approximately 7,000 personnel are stationed at NASWI. By 2020, the active duty population is projected to reach 8,000. Anticipated growth and development near NASWI bases may necessitate roadway and operation improvements.

### **Oak Harbor Public Schools**

The Oak Harbor Public School system operates neighborhood schools that serve the City and surrounding areas. In addition to School District facilities, there are several private schools located within Oak Harbor. The City of Oak Harbor, the Oak Harbor School District, and neighborhood groups have made a commitment to provide safe access to the City's schools through the State Safe Routes to School (SRTS) program. The Oak Harbor SRTS program has been successful in securing grant funding for a

variety of programs that support a safer transportation network near schools.

Growth within the City of Oak Harbor will necessitate the need for new schools. NASWI alone is expected to add another 750 elementary students by 2019. Given this growth, the Oak Harbor School Board has approved a plan to create two "hybrid schools". Instead of two middle schools for grades 6-8, there will be one school for grades 5-6 and one school for grades 7-8.

This could create challenges for school children who may need to cross SR 20 more often, given that their home school will not necessarily be the one closest to them.

### **Skagit Valley College**

A branch of Skagit Valley College is located in Oak Harbor at the east end of Pioneer Way. Approximately 1,400 students enroll on the campus annually. The college is served by three Island Transit routes (3, 10, and 12), however the majority of students access the campus by car.

## Transportation Network Overview

Oak Harbor's transportation network accommodates many modes of travel, including walking, bicycling, public transit, and driving. Vehicular travel still is the primary choice for most travelers in and around Oak Harbor.

City streets form the foundation of the transportation framework with roadways shaping how residents and visitors experience Oak Harbor. The main travel corridors in Oak Harbor are mostly roadways with sidewalks but also include non-motorized trails. The Old Town District has a relatively well-connected street grid, while the remaining areas of the city are characterized by larger blocks and curvilinear streets, which can make direct connections difficult.

The network classifies Oak Harbor's roadways into principal arterials, collectors, and local streets, as shown in the Roadway Classification Map. While Oak Harbor utilizes a traditional classification system, future projects may incorporate alternatives to the classification to accommodate road diet options. Road diets serve to utilize existing right-of-way and pavement to provide greater multi-modal opportunities.

Residents and visitors in Oak Harbor walk and bike as a part of their daily travel for many reasons. Children attending school, commuters taking the bus or connecting with a carpool to get to work and senior citizens making midday trips, all require safe amenities. Over the past five years, Oak Harbor has made great strides in creating a more bicycle friendly and walkable community.

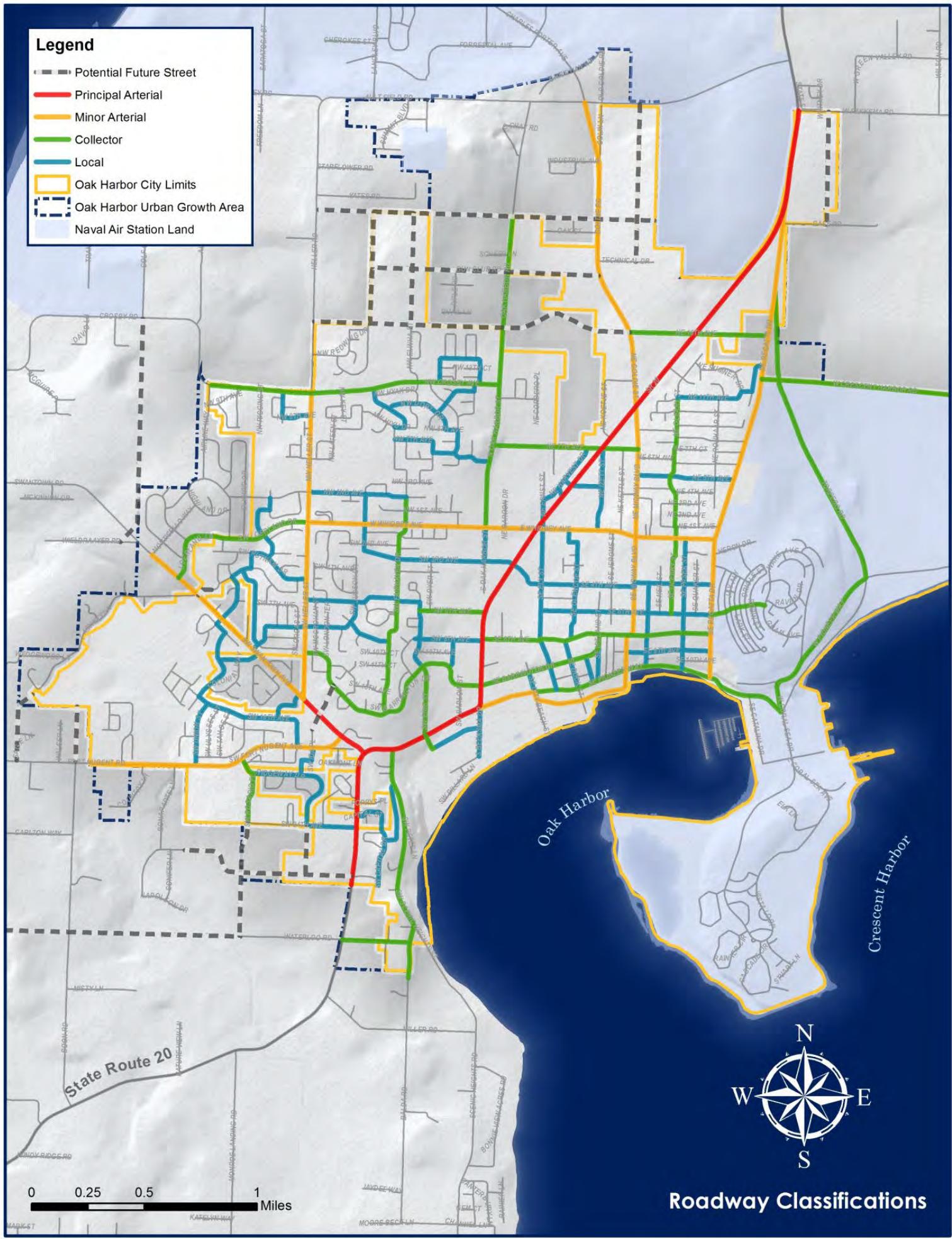
In 2012, Oak Harbor completed the Pioneer Way improvements as part of a downtown revitalization project. The reconstruction project converted Pioneer Way from a two-way to a one-way street and added pedestrian-friendly streetscape enhancements including

wider sidewalks, landscape planters, and angled on-street parking.

South of Pioneer Way is Oak Harbor's waterfront trail. Oak Harbor's waterfront trail has grown into a popular pedestrian and recreational facility that spans the entire City waterfront. It connects to some of Oak Harbor's busiest parks and key destinations such as downtown, Skagit Valley College, the public library, and Oak Harbor's Marina.

### Legend

- Potential Future Street
  - Principal Arterial
  - Minor Arterial
  - Collector
  - Local
  - Oak Harbor City Limits
  - Oak Harbor Urban Growth Area
  - Naval Air Station Land



## Roadway Classifications

Oak Harbor's bicycle circulation is supported by a network of low speed and low volume residential streets, which offer the basic components of a safe bicycling environment. The City is working to make Oak Harbor more bicycle-friendly by investing in bike facilities such as bike lanes and multiuse trails that support local and regional connections.

Locally, Oak Harbor has improved the bike network through projects such as the Freund's Marsh Trail from Scenic Heights Road to Windjammer Park. Regionally, Oak Harbor has worked with Island County, through planning efforts such as the Island County Non-Motorized Transportation Plan, to further develop Oak Harbor's bicycle network; identify short-term, mid-term, and long-term priority projects; and support a regional trail system that connects Oak Harbor with Deception Pass, Joseph Whidbey State Park, Dugualla State Park, and a number of additional parks and beach access areas. The Bicycle Priority Map shows the existing bicycle network.

Island Transit provides local bus, express bus, and para-transit service with connections in Oak Harbor. The majority of transit riders access this transit service by walking or driving to a parking lot or on-street parking and then walking to connect to transit. Six Island Transit routes serve Oak Harbor with frequencies ranging from 20 – 60 minutes. Service is offered throughout all of Whidbey Island's eight park-and-ride lots, which are located along the state scenic byway that consists of the SR 525 and SR 20.

Island Transit connects to each of the ferry terminals on Whidbey Island, and many communities along the scenic byway. In addition, several transit agencies connect to Oak Harbor's transit network including Sound Transit, Skagit Transit, Community Transit, Everett Transit, Jefferson Transit and Whatcom Transit. Island Transit also offers a very successful vanpool and rideshare program. The Island Transit Routes Map shows existing routes.

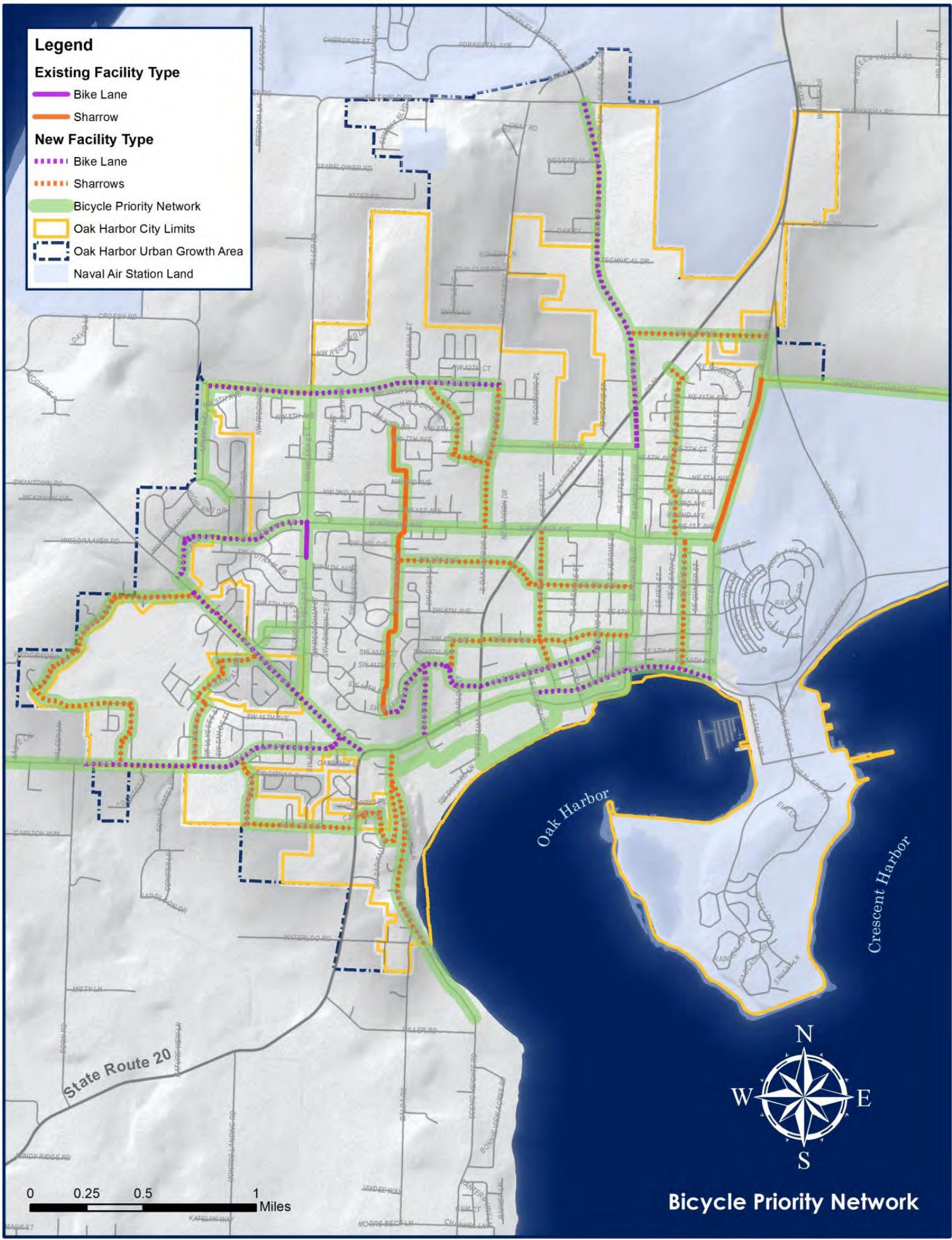
## Legend

**Existing Facility Type**

-  Bike Lane
  -  Sharrows

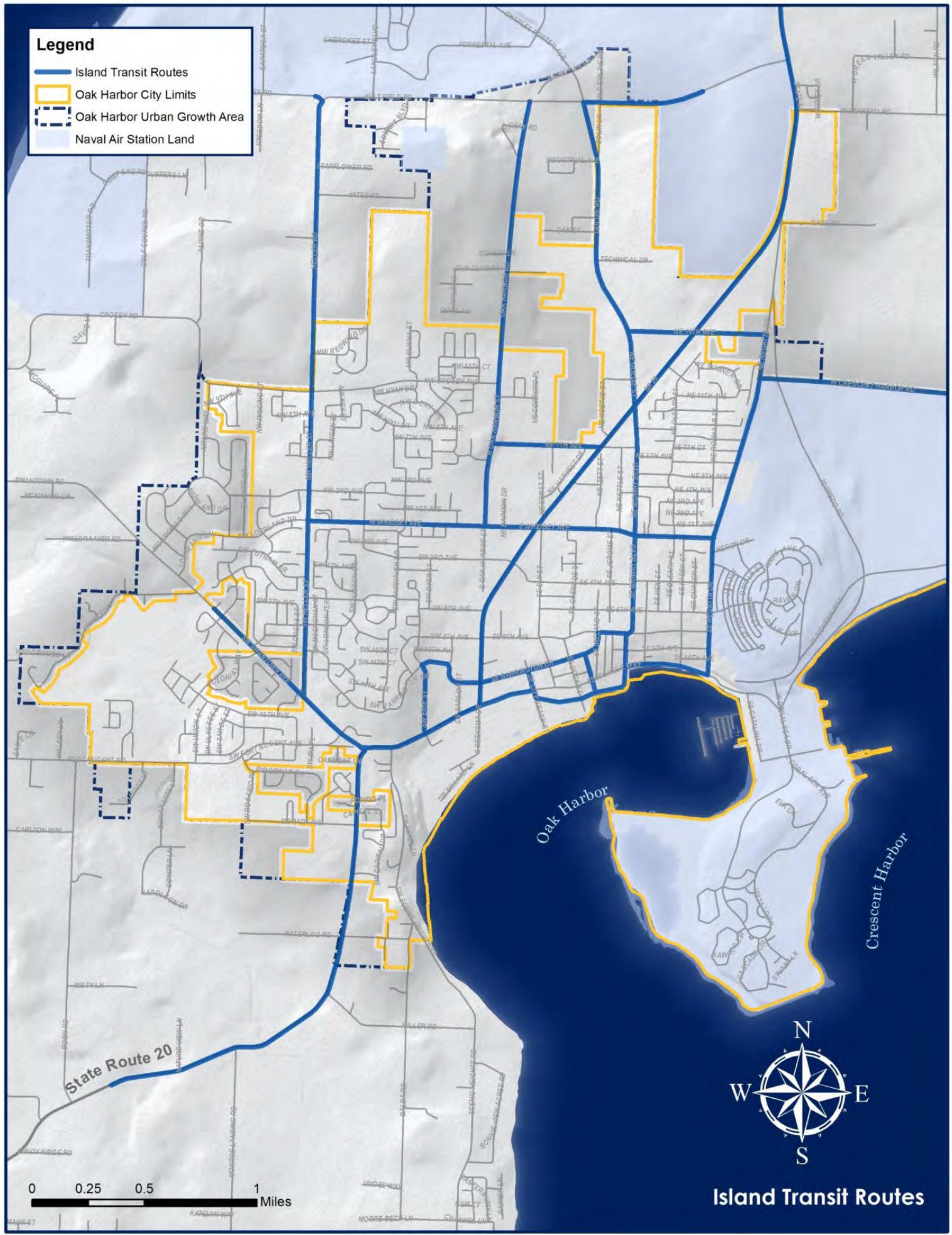
### New Facility Type

- Bike Lane
  - Sharrows
  - Bicycle Priority Network
  - Oak Harbor City Limits
  - Oak Harbor Urban Growth Area
  - Naval Air Station Land



## Legend

- Island Transit Routes (Blue line)
- Oak Harbor City Limits (Yellow line)
- Oak Harbor Urban Growth Area (Dashed blue line)
- Naval Air Station Land (Light blue shaded area)



**Island Transit Routes**

Freight and goods movement is a vital and often underappreciated element of the transportation network. Everyone is directly impacted by how goods are delivered to ports, distribution centers, stores and their homes. The City of Oak Harbor is a key regional player in the movement of goods with major highway and arterial connections to distribution facilities. Further, NAS Whidbey's Ault Field and Seaplane Base rely heavily on the efficient movement of goods.

SR 20, from Deception Pass Bridge through the City of Oak Harbor, is the most heavily-traveled roadway facility in Island County, with approximately 3.6 million tons of freight carried annually along the corridor. In addition, local city arterials such as Regatta Drive, Midway Boulevard, Oak Harbor Street, Whidbey Avenue, Swantown Avenue, and Heller Street serve as key freight arterials that provide connections to regional facilities.

## Level of Service Standards

With many Oak Harbor residents, employees, and residents relying on vehicles as their primary mode of transportation, the City's street network is critical to the transportation system. Growth within the region has increased traffic congestion along some of Oak Harbor's roadways.

To understand roadway operations in the City today, 31 intersections in the City of Oak Harbor were evaluated to identify the need for future roadway improvements. The study intersections were within the area bounded by NE 16th Avenue (north), Regatta Drive (east), Swantown Avenue (west), and Pioneer Way (south). Intersection operations were evaluated and assigned a level of service (LOS) grade based on their operations in terms of vehicle delay.



The City's existing level of service policy sets the following standards for its roadways:

- LOS D or better for intersections on City streets within the City UGA
- LOS E for intersections along SR 20 within the City UGA

Table 21 describes the Level of Service definitions established in Chapter 16 of the Highway Capacity Manual (HCM) (Transportation Research Board, 2010), which is a standard methodology for measuring the performance of intersections and corridors.

Level of Service	Description
A	Free-flowing conditions.
B	Stable operating conditions.
C	Stable operating conditions, but individual motorists are affected by the interaction with other motorists.
D	High density of motorists, but stable flow.
E	Near-capacity operations, with significant delay and low speeds.
F	Over capacity, with delays.

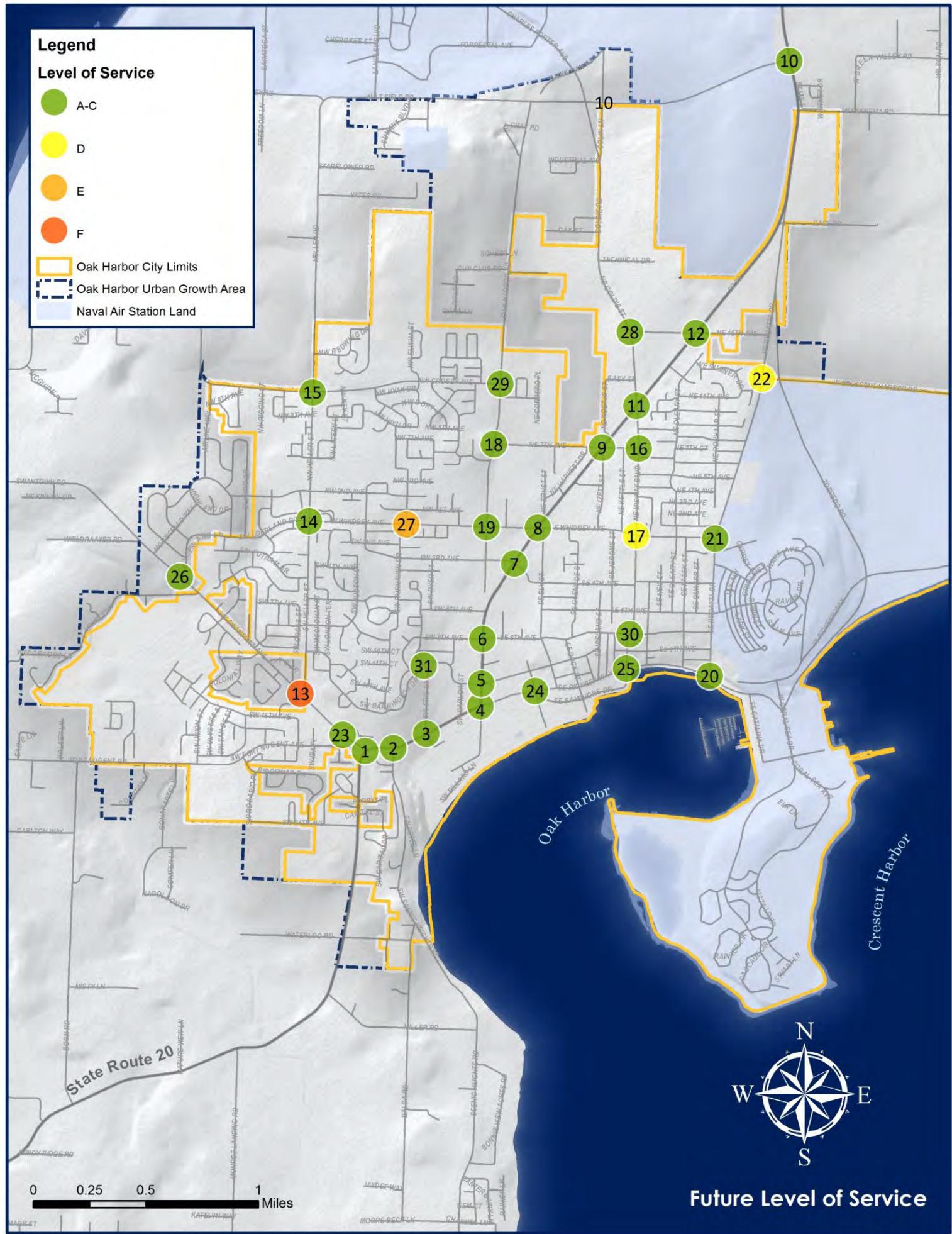
Figure 21 - Level of service definitions

Of the 31 intersections analyzed, all intersections operate at LOS D or better today. These intersections are generally located along key north-south arterials. Given the land use growth anticipated in Island County between now and 2036, some of the intersections that are currently meeting the City's LOS D standard would degrade to LOS E or F by 2036 without the infrastructure improvements identified in this plan. The locations of these intersections are shown on the Future Level of Service Map. Detailed reports of LOS are available in the Transportation Plan.

## Travel Demand Forecasting

An important component of this element was forecasting how the future land uses envisioned in the City, as well as regional growth, would influence demand on Oak Harbor's transportation network. A description of the travel demand modeling process is provided below with more detail about land use assumptions in Appendix C of the Transportation Plan (May, 2016).

As a part of previous planning efforts, the Skagit Council of Governments created a travel model with the Visum software package. This model forecasted traffic volumes during the evening commute hour (4-6pm) along Oak Harbor's key streets and intersections. This tool provides a reasonable foundation for developing year 2036 forecasts, as the underlying land use assumptions have been updated to match the land use forecasts for the current Comprehensive Plan.



These land use assumptions include:

- *Estimated Land Use Growth in the City.* As a part of the Comprehensive Plan update, the City is planning for expected growth in housing units and employment over the next 20 years through 2036. Based on growth estimates from Island County and reviewed by City staff, Oak Harbor is preparing for 1,600 new housing units and 2,000-3,000 new workers by 2036. The City then allocates the growth throughout Oak Harbor based on adopted zoning, observed development patterns, and other city policies.
- *Capture Regional Growth Patterns.* Other communities throughout the region are going through this very same process. Since travel does not stop at a jurisdiction's borders, it is important to capture how regional growth could influence travel patterns on Oak Harbor's streets.
- *Translating Land Uses into Trips.* The next step is evaluating how the City and regional growth assumptions described above translate into walking, biking, transit, and auto trips. The travel model represents the number of housing units and employees in spatial units called traffic analysis zones (TAZs). TAZs can be as small as a few street blocks to as large as an entire neighborhood. They provide a simplified means to represent trip making rather than modeling individual parcels. The travel model estimates trips generated from each TAZ (both inside and outside of the City) using established relationships between different land use types with trip making. These trips are then assigned onto the roadway network to estimate how much traffic would be on each street during the evening commute hour.

## Opportunities and Challenges

The City of Oak Harbor has several important challenges to face as it prepares for future growth and development. Motor vehicle travel currently dominates the City's transportation network. Oak Harbor is working to create a more balanced network and addressing the transportation challenges below will be a key to the City's success.

### Network Connectivity

*Barriers to Mobility:* The City's roadway network creates several challenges for local traffic. Few east-west and north-south arterials serve the entire City. Further, poor connections between local streets (e.g. dead ends, cul-de-sacs, misaligned roads, etc.) encourage the use of SR 20 for local trips. This contributes to congestion on SR 20, especially during peak periods. In addition, SR 20 bisects the center of Oak Harbor creating barriers for walking and biking. Proposed enhancements to the City's roadway network to partially address these issues are identified on the Bicycle Priority Map.

*Pedestrian and Bicycle Infrastructure:* Sidewalks are generally available along all arterials, most streets within the Old Town District, and in newer subdivisions. However, many older residential areas, have incomplete or poorly maintained sidewalks. This limits the mobility of pedestrians between major destinations. The Pedestrian Priority Network Map identifies where pedestrian infrastructure should be provided.



The City's existing bicycle network is limited to a small number of trails and on-street facilities. These gaps in infrastructure, along with a topography that includes many hills, create challenges for bicycle travel within the City. The Bicycle Projects Map identifies potential bicycle network segments.

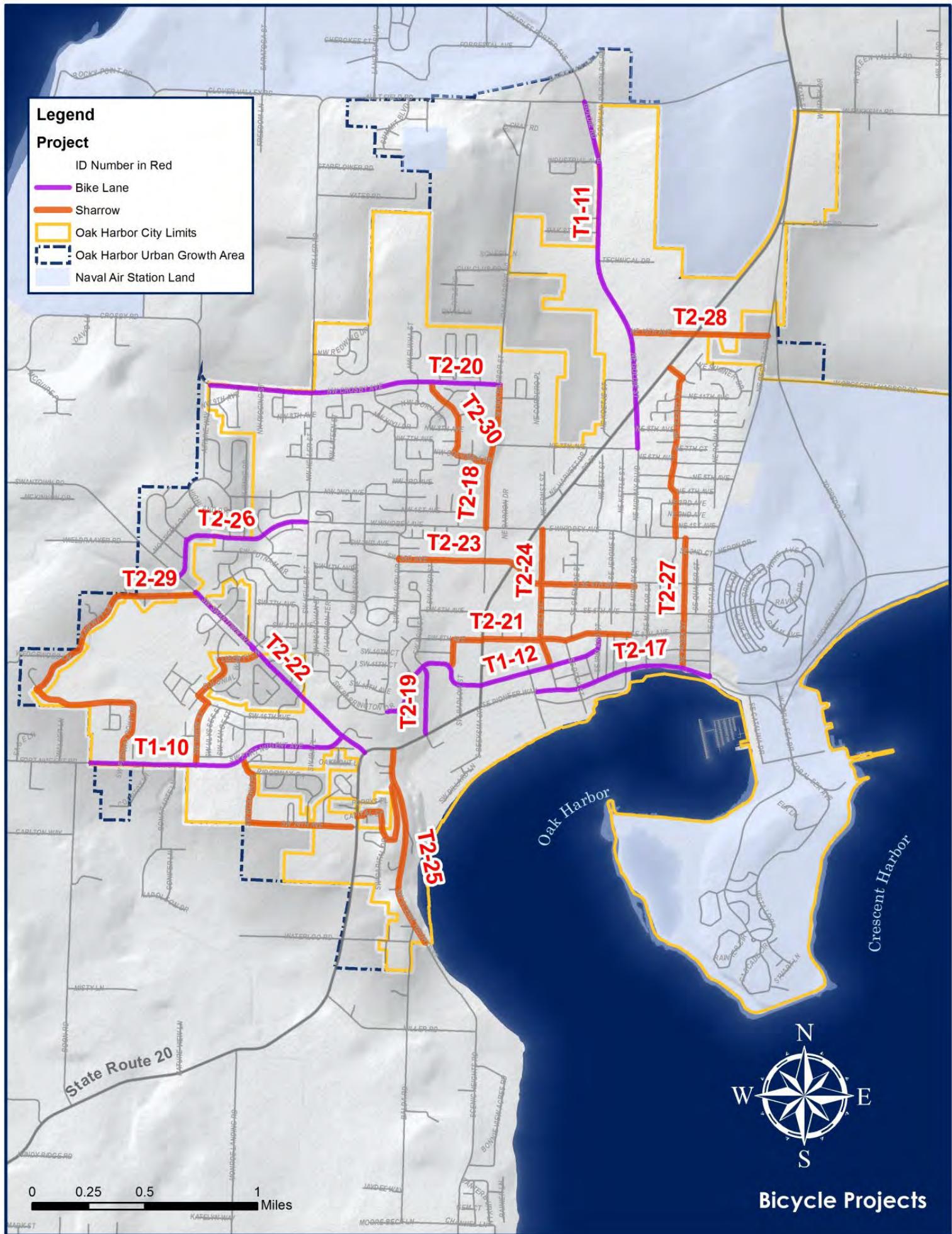
*Transit Access and Availability:* With no high capacity local transit system, bus service in Oak Harbor must be reliable and provide significant mobility. The bus routes that currently serve Oak Harbor operate on infrequent service schedules. This creates challenges for transit-dependent riders for accessing their needs, and it forces many potential transit users to drive instead. The City should look for ways to encourage enhanced transit service from Island Transit through investment in transit-supportive amenities to help residents, employees, and visitors access and use transit.

### **Downtown Mobility**

The City is working to develop safer connections to the Old Town District as part of this Transportation Element update. By improving bicycle and pedestrian amenities, by adding flashing beacons at crosswalks and bike lanes along Pioneer Way, the City will create a more accessible and attractive downtown. This will enhance the appeal of spending time in the downtown area.

### **Safe Routes for All, Especially Pedestrians and Bicycles**

Since 2010, Oak Harbor has seen 150 to 200 traffic collisions per year. The Collisions (2010-2014) Map displays traffic crashes around the City over a five-year period spanning 2010-2014. Of the 965 total collisions during this 5-year period, 39 collisions, or about 4 percent, involved pedestrians or bicycles. In an effort to increase pedestrian safety, Oak Harbor has improved pedestrian facilities in the downtown. Sidewalk and crosswalk improvements have created a more welcoming environment for pedestrians moving around downtown, but busy corridors, such as Pioneer Way, SR 20, and Regatta Drive, have still seen a significant number of collisions involving pedestrians and bicyclists.

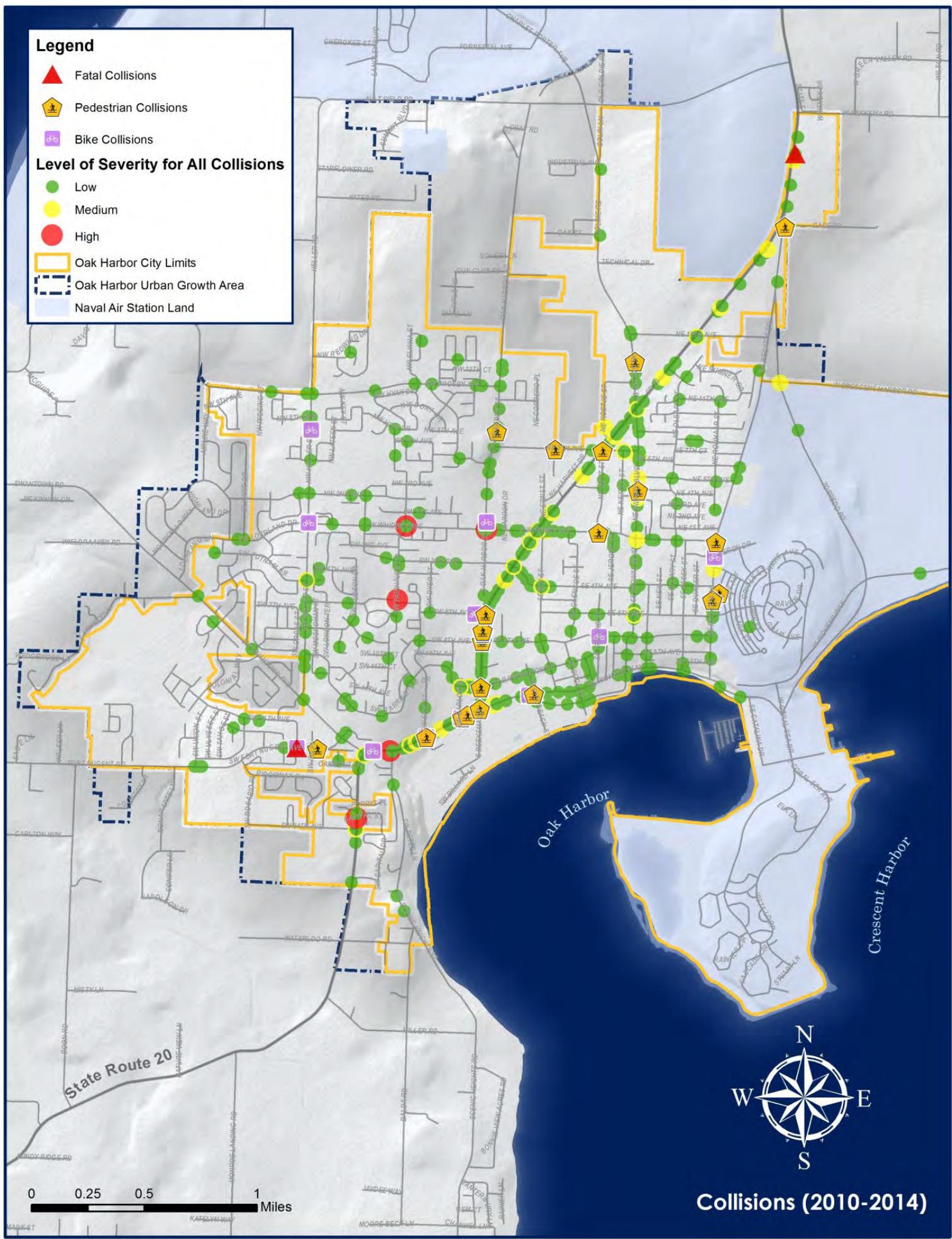


## Legend

-  Fatal Collisions
  -  Pedestrian Collisions
  -  Bike Collisions

## Level of Severity for All Collisions

- Low
  - Medium
  - High
  - Oak Harbor City Limits
  - Oak Harbor Urban Growth Area
  - Naval Air Station Land



## Goals and Policies

Oak Harbor has established six goals to accomplish its overall vision for transportation. The goals establish overarching priorities that serve the vision of this Transportation Element while policies lay out specific actions. Together, the goals and policies lay the foundation for the remainder of this Plan, including the proposed project list and ongoing implementation of the Plan.

### Goal 1 - Safe for all Users

#### Policies:

- I.a. Strive to reduce traffic deaths and serious injuries in Oak Harbor to zero by 2030 as part of the State of Washington's traffic safety efforts using education, enforcement, engineering, emergency medical services, and leadership / policy.
- I.b. Prioritize locations with a history of collisions or other identified safety issues when selecting transportation projects to implement.
- I.c. Keep roadways operating in safe condition by taking steps to secure roadway funding from a variety of sources to maintain, rehabilitate, or replace roadways.
- I.d. Design street improvements to enhance the safe and efficient movement of pedestrians and bicycle traffic. Incorporate traffic calming measures where appropriate.
- I.e. Design new streets and, when the opportunity arises, redesign streets in order to reduce lane widths to accommodate vehicles that use the street most frequently; rather than large vehicles that may use the street only occasionally.
- I.f. Coordinate with emergency response services to ensure adequate and timely access as the city builds out the transportation network.

## Goal 2 - Connected and Efficient

### Policies:

- 2.a. Encourage the efficient movement of people and goods through an effective and inter-connected transportation network that includes: collector and arterial streets, trails, bike paths, public transit and other transportation facilities and is in balance with the land use and transportation requirements in the City of Oak Harbor.
- 2.b. Provide for the efficient movement of people and goods on arterial streets through a balanced approach that only increases the automobile capacity of roadways when necessary.
- 2.c. Work toward development of a multi-modal transportation system that achieves the following level of service metrics:
1. Vehicular LOS: Maintain standards that promote growth where appropriate while preserving and maintaining the existing transportation system. Set LOS D as the standard for PM peak hour for allowable PM peak hour delay at intersections, with the exception of intersections along SR 20 within the City UGA, where LOS E operations will be considered acceptable during the PM peak period.
  2. Pedestrian LOS: Provide sidewalks, trails, and/or separated paths, as defined in Pedestrian Priority Network.
  3. Bicycle LOS: Provide bike lanes, separated paths, protected facilities, and bicycle boulevards, as defined in Bicycle Priority Network.
  4. Transit LOS: Partner with Island Transit and other transit operators to provide transit stop amenities and safe access to transit at major transit stops and park and ride facilities.
- 2.d. Maintain concurrency between land development and installation of required transportation facilities, consistent with the Capital Improvement Plan.
- 2.e. Facilitate efficient connections by encouraging street system design in a rectangular grid pattern with smaller block sizes, frequent interconnections, and clear wayfinding; strongly discourage cul-de-sacs or dead end streets.
- 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

### Policies:

- 3.a. Coordinate with private transportation providers to boost the effectiveness of public transportation providers.
- 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.
- 3.c. Provide incentives for the use of car and van pools through City development standards that support providing park-and-ride lots, designated car pool parking spaces, van pool pick-up areas, and other supportive amenities.
- 3.d. Participate and support in the planning for long-term sustainability of air and water transportation and facilities.
- 3.e. Develop a bicycle priority network for the City of Oak Harbor and the UGA that promotes bicycling as an efficient choice for transportation and recreation. The priority network shall include but not be limited to the following: future on-street bicycle facilities, multi-use paths, and bike rack locations, using context-sensitive designs for bicycle facilities on the different roadway classifications and intersections.
- 3.f. Enhance and beautify the Waterfront Trail, from Scenic Heights to Maylor Point, with widening, scenic viewpoints, historical signage and art.
- 3.g. Develop and construct a pedestrian priority network for all streets and highways that interconnects with other modes of transportation and prioritizes streets used frequently by school children, senior citizens, people with disabilities, and streets in heavily congested areas. Use the Safe Routes to School program as a model for identifying locations for these facilities.
- 3.h. Maintain a pedestrian-oriented atmosphere in the Old Town District (Downtown).

## Goal 4 - Financially and Environmentally Sustainable

### Policies:

- 4.a. Reduce the demand on roadways as a method of deferring or negating the need for capacity improvements.
- 4.b. Integrate Transportation Demand Management goals with the development review process such that they become a part of any traffic impact assessment and mitigation program.
- 4.c. Prioritize roadway preservation projects, review potential roadway preservation funding programs and consider the long term maintenance costs of new transportation capacity projects.
- 4.d. Prioritize projects on the City of Oak Harbor Capital Improvement Plan (CIP) by evaluating and ranking them, taking into account their costs and benefits, to ensure effective investment of city funds.
- 4.e. Maintain an Impact Fee Program that determines the proportionate share of infrastructure improvement costs to be assessed to new and redevelopment projects. Require proportionate funding of required transportation improvements by property owners and by developers whose developments impact the streets.
- 4.f. Evaluate potential federal, state, and other funding (grants and loans) programs that may be compatible with prioritized transportation projects.
- 4.g. Coordinate with state and regional agencies to obtain funding for identified improvements for SR-20 within the UGA.
- 4.h. Promote property owners to finance neighborhood street improvements, for example through local improvement districts (LIDs).
- 4.i. Protect air quality by improving the operating efficiency of the overall transportation system and boosting the non-single occupant vehicle mode share in Oak Harbor.
- 4.j. Consider the potential of using roundabouts in lieu of installing new signalized intersections or reconstructing existing signalized intersections.
- 4.k. Protect and/or mitigate the preservation of natural vegetation in transportation rights-of-way, particularly regarding the City's trademark Garry Oak trees, in the construction and repair of streets.
- 4.l. Protect and/or mitigate environmentally sensitive areas and resource lands when maintaining existing streets and planning for future ones (See Environmental Element.)

## **Goal 5 - Complementary of the City's Land Use Vision and Other Adopted Plans**

### **Policies:**

- 5.a. Locate and design transportation facilities to meet the demands of existing and projected land uses as provided for in the Comprehensive Plan, including the growth anticipated within the Oak Harbor UGA.
- 5.b. Implement transportation improvements that respect the community's residential character, natural features, and quality of life.
- 5.c. Manage the supply of parking to ensure it serves the community's needs and maintains a positive aesthetic.
- 5.d. Support the use of public transit, walking, and bicycling through development regulations and design guidelines that create infrastructure, land use patterns, and developments that are conducive to these modes. Require public transit opportunities for new and re-developed projects. Maintain an emphasis on a bicycle and pedestrian oriented atmosphere during development review.

## **Goal 6 - Integrated with the Regional Transportation Network to Address a Diverse Range of Transportation Interests**

### **Policies:**

- 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.b. Coordinate planning for transportation improvements and projects with other agencies in order to reduce costs, minimize environmental impacts, reduce duplication of services, and minimize disruption to the general public.
- 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.
- 6.d. Coordinate with the Washington State Department of Transportation (WSDOT) on capacity improvements, access management and safety issues for SR 20.
- 6.e. Continue to encourage the implementation of transportation demand management (TDM) strategies through coordination with WSDOT, Island County, and Island Transit.

## Project List Development

Extensive community outreach during the development of the Transportation Plan, including, staff workshops, stakeholder meetings, surveys, and public forums provided the basis to develop an initial list of city projects.

A 20 year project list was developed to create a transportation system that realizes Oak Harbor's ultimate transportation vision: to provide a safe, balanced, and efficient multi-modal transportation system that is consistent with the City's overall vision and goals and adequately serves anticipated growth.

The draft project list included over 50 potential projects. Each project was evaluated and scored relative to the transportation goals using a scoring matrix. The scoring matrix included 14 metric covering the 6 goals (City of Oak Harbor Transportation Plan, 2016, Appendix E). The scoring matrix, combined with other sources of community outreach, were utilized to prepare a 20 year project list which identified projects as Tier I projects representing roadway and intersection, pedestrian and bicycle network improvements (City of Oak Harbor Transportation Plan, 2016, Table 8). Tier I projects are those that meet multiple criteria in terms of effectiveness, benefit to the community, and ability to be implemented. Tier 2 projects, while ranked lower than Tier I projects, are considered contingency projects based on available funding (City of Oak Harbor Transportation Plan, 2016, Table 9).

Oak Harbor will maintain its current LOS D standard for allowable PM peak hour delay at intersections in most locations, with the exception of intersections along SR 20 within the City and UGA, where LOS E operations will be considered acceptable during the PM peak period in recognition of the need to balance driver experience with other considerations, such as regional travel, cost, right of way, and other modes. This plan also provides an

exception for the LOS E operations measured at the intersection of Whidbey Avenue and Fairhaven Drive, since the higher delays would only be experienced by a relatively small number of left-turning vehicles during a short period of the day.

Maintaining intergovernmental coordination, Oak Harbor will work with Island County in their improvement and signalization at the intersection of SW Heller Street and Fireside Lane and intersection improvements at Regatta Drive and Crescent Harbor Road.

## Capital Plan

Since the scope of the 20 year project list exceeds revenues from exclusively city sources over the next few decades. As shown in Table 2, the project list has been sized to represent projects which provide a balance of safety, maintenance, and operational improvements for all modes. These projects provide a starting point for the City in developing its financially constrained Six-Year Capital Improvement Plan, which is updated annually and is developed based on knowledge related to project feasibility and funding availability.

The components of the transportation program include \$2.3 million in maintenance, operations and roadway rehabilitation. Maintaining Oak Harbor's transportation system is important for sustaining the quality and safety of roadways. The program also includes full reconstruction of NE 7th Avenue between N Oak Harbor Street and SR 20.

Funding to support this program will come from a number of sources including Oak Harbor's general funds, gas taxes, property taxes, impact fees, as well as federal and state grants.

Investment	Project Description	Planning Level Cost
Pavement Maintenance	Annual pavement maintenance and overlay program	\$2.3 M
NE 7 <sup>th</sup> Avenue Roadway and Pedestrian Improvements	Full reconstruction of the Roadway; Construct missing sidewalks on the north side, multiuse path on south side of the road.	\$4.7 M
<b>TOTAL</b>		<b>\$7 M</b>

Figure 22 - Six-year Transportation Program

## Implementation

A key GMA planning requirement is the concept of fiscal restraint in transportation planning. A fiscally constrained Transportation Element must first allow for operation and maintenance of existing facilities, and then capital improvements. To introduce fiscal constraint into the plan, an inventory of revenues and costs was undertaken to identify funds that are likely to be available for capital construction and operations.

The proposed Transportation Plan for the City of Oak Harbor contains approximately \$7 million worth in transportation investments over the next 20 years. The Transportation Plan focuses on capital projects that will complete the layered network plan, as well as ongoing pavement maintenance to ensure that the roadway network is kept in good condition.

## Funding Approach

Not all of the transportation needs are affordable with existing revenue sources during the 20 year period. Should supplementary funding become available, projects that would further support the development of the transportation network have been identified and prioritized.

Other funding options available to the City include:

- Increase the amount of revenue from existing sources, including impact fees or increased general fund revenues;
- Adopt new sources of revenue, such as creating a Transportation Benefit District;
- Develop a grant strategy to secure additional funding for capital projects.

# Chapter 8 → Utilities Element

*The Utilities Element sets forth City policies for water, sanitary sewer and storm drainage services, and relates the Comprehensive Plan to development plans of independent utility providers in a coordinated and consistent manner. It incorporates by reference the Oak Harbor Comprehensive Water System Plan, 2014, and Oak Harbor Comprehensive Sewer System Plan, 2007, and any updates thereto.*

The Utilities Element was prepared in accordance with Section 36.70A.070 of the Growth Management Act (GMA). The Utilities Element contains a statement of Goals and policies, and a general inventory of existing and planned utilities.

## Scope and Organization of the Utilities Element

GMA requires that the, "utilities element [consist] of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines" (RCW 36.70A.070). The City is also required to plan for water, sanitary sewers, storm drainage and solid waste facilities, and has elected to address these services in the Utilities Element (WAC 365-195-210).

The format of this chapter is consistent with WAC 365-195-320, Growth Management Act -- Procedural Criteria for Adopting Comprehensive Plans and Development Regulations. Section II provides an inventory of the utilities serving the City of Oak Harbor and its Urban Growth Area (UGA), analyzing existing capacity, future needs and planned improvements. This is followed by a statement of City Goals and policies for utility siting and

service in Section IV. Technical and financial information about city utilities is found in the Capital Facilities Element, Comprehensive Water System Plan (2014), Comprehensive Sewer System Plan (2007), and Comprehensive Storm Drainage Plan (2007).

## Inventory and Planned Improvements

### City Owned Utilities

The City manages the water system, sanitary sewers system, storm drainage system and solid waste. Non-city owned utilities are natural gas, electricity, telecommunications, television, and internet services.

#### Water System

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. The City updated its Comprehensive Water System Plan in 2014.

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 most recent water service amendment (2006) allows Oak Harbor to withdraw 970 million gallons/year, or adequate water through the year 2025. 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 2025 peak-day demand for the UGA service area. The Water System Plan analyzed the City's need for reservoir capacity and proposes

additions to the system to meet projected demand, including required fire flows.

#### *Sanitary Sewer System*

The City of Oak Harbor Comprehensive Sewerage Plan, adopted by City Council in 2007, contains all pertinent information concerning the sanitary sewer system. The plan contains a description of the existing system, population projections, design criteria for future systems, and proposed improvements. In 2015, the City began the construction of a new wastewater treatment facility located immediately north of the existing RBC plant in Windjammer Park. The new facility is designed to handle 2.7 million gallons per day and with minor upgrades can handle the projected growth until 2060.

#### *Storm Drainage*

A Comprehensive Storm Drainage Plan was adopted by the Mayor and City Council in 2007. The Plan contains background information, water quality assessment, alternative solutions for improving Oak Harbor's run off quality, and funding alternatives for implementing the Comprehensive Plan.

#### *Solid Waste*

In July of 1980, the City of Oak Harbor terminated its sanitary landfill operations and began, through an interlocal agreement, to use the County's landfill site for disposal of its municipal solid waste. All operating revenues are obtained through collection and container fees and storage rentals. User charges are adjusted according to present needs.

#### **Natural Gas**

Washington State law requires gas providers to demonstrate that existing customers will not subsidize new customers. Thus, gas transmission line extensions are not planned in advance but are initiated only when there is sufficient customer demand.

Natural gas is piped to North Whidbey Island through a six inch high-pressure submarine line

connecting Brown's Point on Camano Island to Strawberry Point east of the NAS-Whidbey Seaplane Base. Within the City of Oak Harbor, gas pipelines are typically located in street rights-of-way, however, some developments may receive service through utility easements on adjoining properties. Service is limited to the incorporated city limits, NAS Whidbey Island, and surrounding unincorporated areas within a short distance of the transmission main.

## Future Demand and Proposed Facilities

### Natural Gas

The location, capacity and timing of improvements to the Compressed Natural Gas (CNG) distribution system are driven purely by demand. This means that, unlike electrical or telephone service, improvements are initiated solely by customer requests. This applies to both new service connections and conversion from other energy sources to natural gas. Requests for natural gas service may legally be refused if the extension is not cost-effective to the company.

No major new facilities, upgrades, or extension of services beyond the existing service areas are planned or anticipated within the next 20 years, but the utility may serve new development outside present service areas if it is relatively close to existing mains.

### Electric Utility and Provider

**Company Overview:** Puget Sound Energy (PSE) is a private utility providing electric and natural gas service to homes and businesses in Puget Sound region and portions of Eastern Washington, covering 10 counties and approximately 6,000 square miles. PSE's regional and local electric and natural gas planning efforts are integrated and centered on providing safe, dependable, and efficient energy service. PSE provides electrical power to more than 1.2 million electric customers throughout eight counties.

**Regulatory Environment:** PSE's operations and rates are governed by the Washington Utilities and Transportation Commission (WUTC). PSE electric utility operations and standards are further governed by the Federal Energy Regulatory Commission (FERC), the National Electric Reliability Corporation (NERC), and the Western Electricity Coordinating Council (WECC). These respective agencies monitor, assess and enforce compliance and reliability

standards for PSE. The residents of The City of Oak Harbor and the region rely on the coordinated effort between PSE and the County for the adoption and enforcement of ordinances and/or codes to protect transmission and distribution line capacity and support federal and state compliance of safe, reliable, and environmentally sound operation of PSE's electric facilities. Routine utility maintenance work, including vegetation management is required to maintain compliance with FERC, NERC, and WECC regulations.

**Integrated Resource Plan:** In order for PSE to meet regulatory requirements, it updates and files an Integrated Resource Plan (IRP) with the WUTC every two years. The IRP presents a long-term forecast of the lowest reasonable cost combination of resources necessary to meet the needs of PSE's customers to provide dependable and cost effective service over the next 20 years. The current plan, which was filed in May of 2013, details both the energy supply and transmission resources needed to reliably meet customers' wintertime, peak-hour electric demand over the next 20 years. The plan, which will be updated in the fall of 2015, forecasted that PSE would have to acquire approximately 4,900 megawatts of new power-supply capacity by 2033. This resource need is driven mainly by expiring purchased-power contracts and expected population and economic growth in the Puget Sound region. The IRP suggests that roughly more than half of the utility's long-term electric resource need can be met by energy efficiency and the renewal of transmission contracts. This reduces the need down to 2,200 MW by 2033. The rest of PSE's gap in long-term power resources, the IRP stated is likely to be met most economically with added natural gas-fired resources.

PSE generates approximately 46 percent of the electricity for its customers' from its own generation specifically generation plants; hydro, thermal, solar and wind. PSE currently has about 3,000 megawatts of power-generating

capacity, and purchases the rest of its power supply from a variety of other utilities, independent power producers and energy marketers across the western United States and Canada.

**System Overview:** To provide the City of Oak Harbor (the City) with electricity, PSE builds, operates, and maintains an extensive integrated electric system consisting of generating plants, transmission lines, substations, switching stations, sub-systems, overhead and underground distribution systems, attachments, appurtenances, and metering systems.

Electricity provided by PSE to the City is produced nearby in Skagit County (Baker River Dams) and elsewhere as PSE is interconnected to the Northwest's regional transmission grid through an extensive network of transmission facilities providing bulk transmission service to meet the demands of electricity customers within the region's eight states. PSE electric transmission facilities within and near the City are important components of the electric energy delivery grid serving the Puget Sound region. As electricity reaches the homes and businesses in the city, the voltage is reduced and redistributed through lower-voltage transmission lines, distribution substations, overhead and underground distribution lines, smaller transformers, and to individual meters.

PSE is prudently and systematically deploying smart grid technology at each level of infrastructure to enhance and automate monitoring, analysis, control and communications capabilities along its entire grid. Smart grid technologies can impact the electricity delivery chain from a power generating facility all the way to the end-use application of electrical energy inside a residence or place of business. The ultimate goals of smart grid are to enable PSE to offer more reliable and efficient energy service, and to provide customers with more control over their energy usage.

PSE serves commercial and residential locations within the City and operates and maintains approximately 43 miles of overhead facilities and 70 miles of underground cables, see map.

**Future Projects:** To meet local electric demand, new transmission lines and substations may need to be constructed. In addition, existing facilities are always being maintained and at times rebuilt to serve current and future demand. The system responds differently year to year and PSE is continually adding or modifying infrastructure to meet electrical demands.

PSE continues to evaluate the growth and development on Whidbey to determine when a third transmission line may be added to serve the needs of the Island. That transmission line would utilize a submarine cable from some point near SW Snohomish County to the south end of the Island.

## Telecommunication Facilities

### Telephone

Like investor-owned gas and electric companies, telecommunications companies are regulated by the WUTC, which establishes service levels and rates. Standard telephone facilities include a central plant, which houses switching gear (usually in the same building as central offices), utility poles, and overhead or underground lines. Underground installation of telephone lines and use of efficient fiber optic systems is becoming more common as technology advances and regulators respond to aesthetic concerns.

### Cellular Telephone Service

A cellular system consists of cells (geographic areas served by a transmitting and receiving tower), cell sites (the tower site, base station radio and interconnecting equipment), a switching station (which receives and distributes signals from the cell sites via conventional lines and microwave signals), and the cellular phones themselves. Cellular phones can operate only

within the range of a given cell site. Therefore, in order to cover broad service areas, cell sites must be located close enough to one another to provide uninterrupted service as the user moves from one location to another. With advances in digital technology, the capacity of cell sites will increase. Therefore, capacity is not anticipated to be a problem in the future. There are several providers of cellular telephone service within the Oak Harbor UGA. These providers operate a network of cell sites within the City of Oak Harbor, Island County and surrounding counties in order to provide adequate coverage. Additional cell sites will be constructed in response to consumer demand as regulated by the Federal Communications Commission.

*Siting Issues:* Cellular towers can pose siting problems due to aesthetic concerns and conflicts with competing radio signals. The towers can be free-standing, but are often placed on top of existing structures. As service demands change, cell sites may need to be reconfigured. For example, as additional cell sites are added to the system, tower heights may need to be changed to prevent overlapping radio coverage. The Federal Communications Commission (FCC) regulates the public airwaves, assigning frequencies and licensing cellular telephone utilities. The FCC requires that transmitting towers be located such that signals are unobstructed. Local governments may regulate tower siting to the extent that a utility's federally-licensed right to use the airwaves is not impeded. A local jurisdiction can deny approval of an individual tower site based on established policy, but cannot impose an outright ban on towers, or effectively prohibit towers within its jurisdiction through repeated denials or excessive conditions.

The Federal Aviation Administration (FAA) also reviews proposed towers when they exceed 200 feet in height or when the proposed location is within 20,000 feet of a major airport (i.e., serving military or commercial aircraft), or

within 10,000 feet of a smaller airport. While the FAA does not have the authority to deny siting proposals, it coordinates its review process with the FCC, who may deny a particular site if the FAA objects.

#### *Cable*

Cable utilities transmit television programming via coaxial cable from trunk lines, which originate at "head-end" or data processing sites. Though the term "cable" implies wiring throughout the system, many cable systems also rely on satellite dishes and microwave antennas. Overhead utility poles are often used to run cable distribution lines, however, underground installation is becoming more common.

## Goals and Policies

The following Goals and Policies serve as a framework for the expansion of public and private utilities serving Oak Harbor. They are intended to provide a long-range plan for utilities to protect the public health, welfare and safety. Utility construction projects must be consistent with Goals and Policies. The Utilities Element meets the requirements of GMA, and is consistent with the County Wide Planning Policies and Urban Growth Area Agreement between the City of Oak Harbor and Island County.

### **Goal 1 - Facilitate the orderly and cost-effective development of all utilities at adequate levels of service to accommodate the projected growth..**

Policies:

- I.a. Ensure that all public utility services within the Urban Growth Area (UGA) are at a level that is consistent with an urban community.
- I.b. Sound growth management principles should be used to guide extension of utilities within the UGA.
- I.c. Consider allowing phased upgrading of utilities for existing uses, for example, meeting fire flow and city sewer requirements, when immediate upgrading of existing properties would create an undue hardship.
- I.d. No new water and sewer extensions should be allowed beyond the UGA and the boundaries of existing service districts.
- I.e. Consider actual usage fee rates on an income needs-based scale that will assist low-income adults to remain in their own homes (for example: actual water and solid waste, sewer and direct-cost service hook-up fees).
- I.f. Coordinate land use and utility planning to promote cost-effective utility services. Specifically, the Land Use Element and level-of-service standards shall be used to determine future service requirements, and utilities shall be designed accordingly.
- I.g. Encourage innovative solutions for reducing utility costs, managing growth and protecting the public health, safety and welfare.
- I.h. Encourage co-location of utilities should be encouraged when co-location reduces impacts and does not

- substantially increase costs. Utility lines should be co-located in trenches whenever possible.
- I.i. Flexible and innovative construction techniques which reduce cost and impacts of utilities should be encouraged.
- I.j. Seek to recover costs for extending utilities, including overhead costs, and the costs to maintain and operate these systems. Debt financing shall be minimized whenever possible.
- I.k. Consider exceptions to extend utilities into the enterprise areas in the UGA ahead of annexation to promote economic development.
1. As a condition of the City granting sewer service prior to annexation within an enterprise area, property owners shall be required to commence annexation proceedings within a timeframe established by agreement with inclusion of an intended completion date.
  2. Sewer service may be provided prior to annexation within enterprise areas only for non-residential uses.
  3. Any new construction on properties within enterprise areas provided sewer service prior to annexation shall comply with current standards of the Aviation Environs Overlay Zone and with current Noise Attenuation Standards.
  4. Financing of utility extensions into enterprise areas should be mainly borne by the properties receiving the extended service unless grants or other outside financial sources are found or made available. The City may wish to participate in financing utility extensions in order to encourage economic development.
- I.l. Review annually the capacity of the shared sewer treatment facility with the Navy
- I.m. Minimize service interruptions for utility siting and related construction..
- I.n. Conditions which facilitate a utility 's ability to meet its public service obligations under state law should be included in contract and franchise agreements between City and private utilities.

## **Goal 2 - Process permit requests for utilities in a fair and timely manner to ensure predictability.**

Policies:

- 2.a. Provide timely, effective notice to private utilities and customers regarding the review and approval of major projects.
- 2.b. Work with private utilities and other jurisdictions to coordinate long-range plans for service expansion.
- 2.c. Facilitate public participation in utility siting decisions early on in the design and site development process.
- 2.d. Review and amend existing regulations as necessary to provide clear and objective standards for maintenance, repair, installation and replacement of utilities. Such changes shall be consistent with other Goals and policies of the Comprehensive Plan for construction practices, restoration of City property/rights-of-way, environmental protection and oak tree preservation.

## **Goal 3 - In conformance with the Comprehensive Plan use the Utilities Element and consult with utility providers, to guide decision-making and achieve community Goals.**

Policies:

- 3.a. Review proposed utility projects based on Comprehensive Plan policies and other regulations. Land use, transportation, urban design and environmental elements should guide the decision-making process. Appropriate conditions for compliance shall be established as needed.
- 3.b. Encourage public involvement in finalizing location of utility corridors and other planned facilities..
- 3.c. Coordinate with Island County and utility providers to encourage orderly extension of services.
- 3.d. Encourage the joint use of land for utilities, when feasible.

*Discussion - When practicable, new utility distribution lines should be installed in shared rights-of-way. Development of surface water detention and infiltration areas jointly with parks and open spaces should be encouraged when mutually compatible. The City should initiate agreements with private utilities and property owners to allow joint use of utility corridors for trails, open space and storm water management, to the extent that the uses are consistent with the Comprehensive Plan, and corridors are determined to be suitable for the proposed use (See Comprehensive Parks and Recreation Plan; Comprehensive Storm Drainage Plan).*

- 3.e. Require easements to be provided by property owners during development applications as necessary to install and maintain utilities.
- 3.f. Observe the Island County wellhead protection program for development in vicinity of operating wells in the unincorporated areas.

**Goal 4 - Minimize aesthetic and environmental degradation from utility operation, installation, replacement, repair and maintenance.**

Policies:

- 4.a. Strive to reduce the environmental and aesthetic impacts of the construction, operation and maintenance of utilities when practical.
- 4.b. Avoid, or minimize and mitigate impacts on environmentally sensitive areas, based on best available science.
- 4.c. Regulate utility construction to mitigate construction-related disruptions to neighborhoods and disturbances to the environment.
- 4.d. Require undergrounding of utility distribution lines in all new developments.
- 4.e. Require above ground utilities to be screened within a building, sight obscuring fence or landscape, or locate the utilities out of public view.
- 4.f. Continue to implement Puget Sound Water Quality Management Plan standards for storm water.
- 4.g. Meet National Pollution Discharge Permit requirements for storm and sanitary sewer discharge.
- 4.h. Coordinate utility projects to avoid or mitigate impacts to Garry Oak Trees.

*Discussion - Permits must be obtained prior to any tree-trimming projects involving Garry Oak trees.*

## **Goal 5 - Encourage sustainable design and alternatives that are efficient and encourages resource conservation.**

### **Policies:**

- 5.a. The City should adopt site design standards, which provide for solar access, and installation of solar energy systems where feasible.
- 5.b. Continue to support energy efficiency by encouraging low impact sustainable development through building practices, landscaping and site designs, which promote natural resource conservation.
- 5.c. Continue to develop the City's solid waste recycling program as a means of resource conservation. Encourage site designs, which allow for co-collection of trash and recyclables.
- 5.d. Encourage use of storm drainage solutions, which use natural processes to make existing infrastructure more efficient while protecting wetlands and drainage functions.
- 5.e. Protect groundwater recharge capacity through sustainable development practices to the greatest extent practicable.
- 5.f. Require preservation and/or replanting of landscaping in developments to support energy conservation Goals.
- 5.g. Implement the Water Conservation Program, as outlined in the Comprehensive Water System Plan, including adoption of a conservation rate structure.
- 5.h. Explore using gray water as a method of water conservation.
- 5.i. Promote water conservation, facilitate recycling and manage sanitary sewer treatment capacity.

## **Goal 6 - Coordinate with the City of Anacortes to ensure Oak Harbor's water needs are addressed.**

### **Policies:**

- 6.a. Coordinate with the City of Anacortes to maintain water supply needs with consistency in projecting growth for Oak Harbor and NAS Whidbey.
- 6.b. Maintain a long-term contract to address forecasted water demands and long-term viability of water resources.
- 6.c. Support the City of Anacortes in maintaining water rights.

**Goal 7 - The City should develop a program, in cooperation with the affected utilities, to encourage the under-grounding of overhead utility lines.**

Policies:

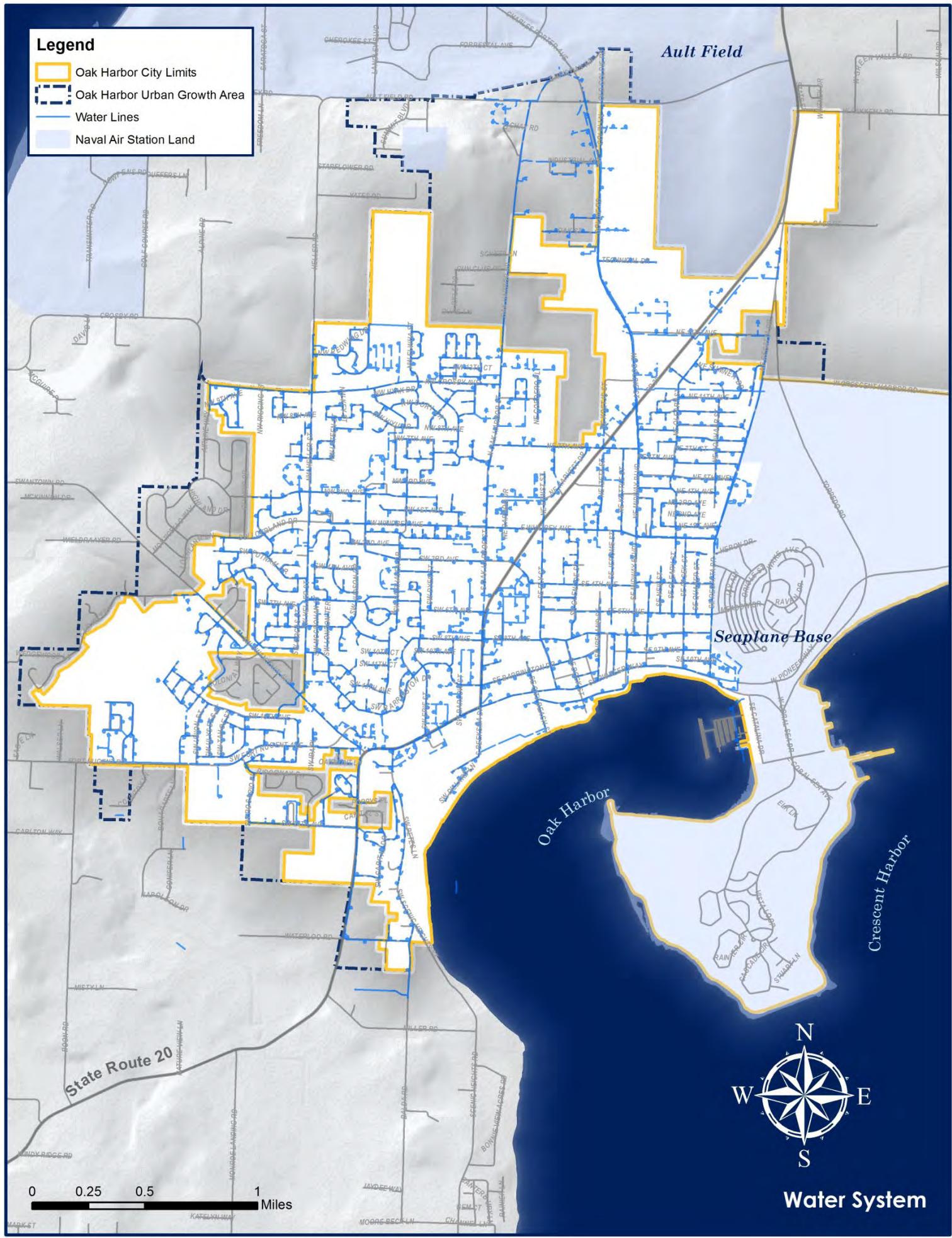
- 7.a. Be opportunistic on retrofitting and burying of overhead distribution lines adjacent to City arterial streets and other areas.

- 7.b. Budget for and coordinate burying of overhead utilities with other street upgrade projects and include this activity in the capital facilities budget.
- 7.c. Work with the local utility providers to develop a plan that will provide for underground power lines in the downtown business core.



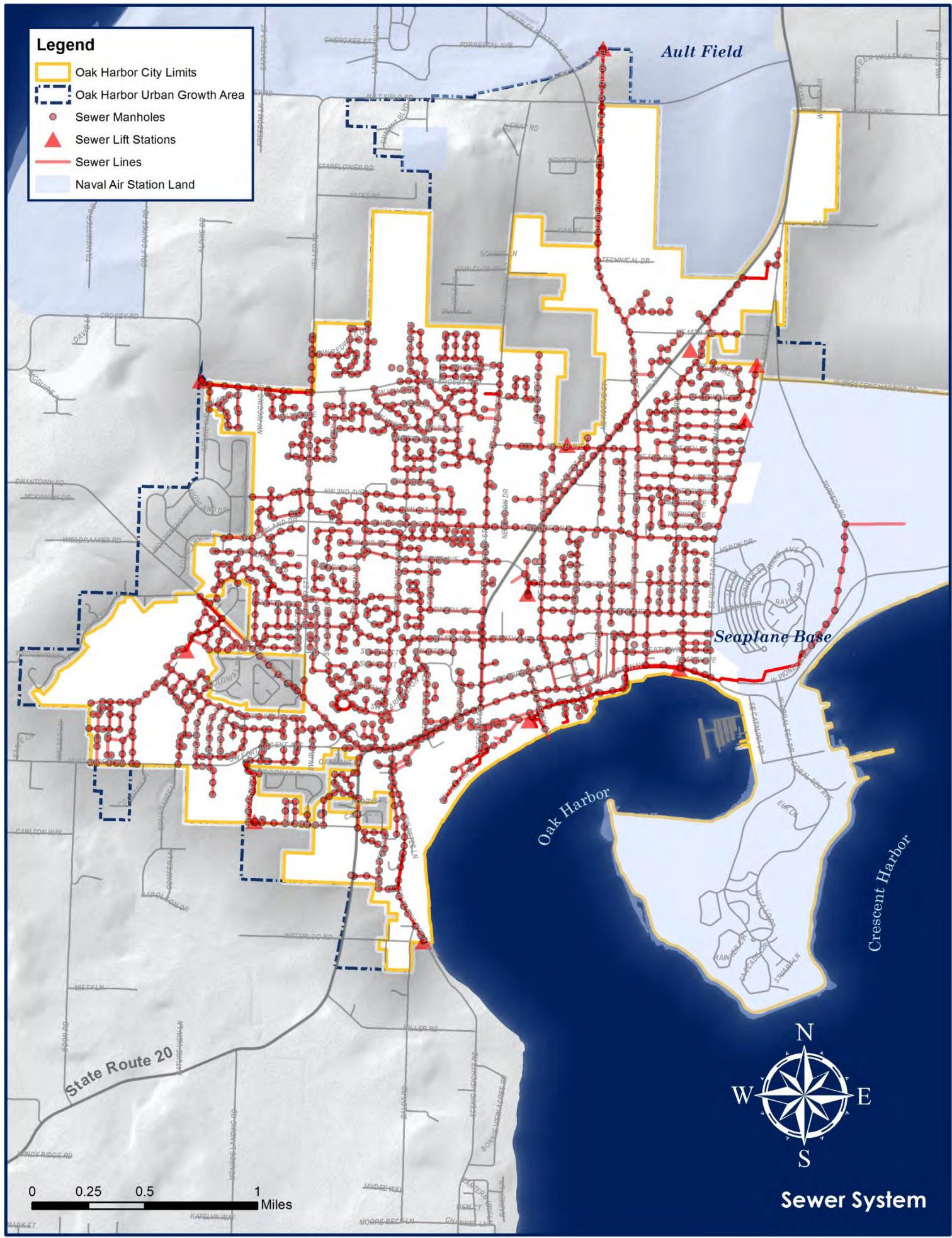
## Legend

- Oak Harbor City Limits
- Oak Harbor Urban Growth Area
- Water Lines
- Naval Air Station Land



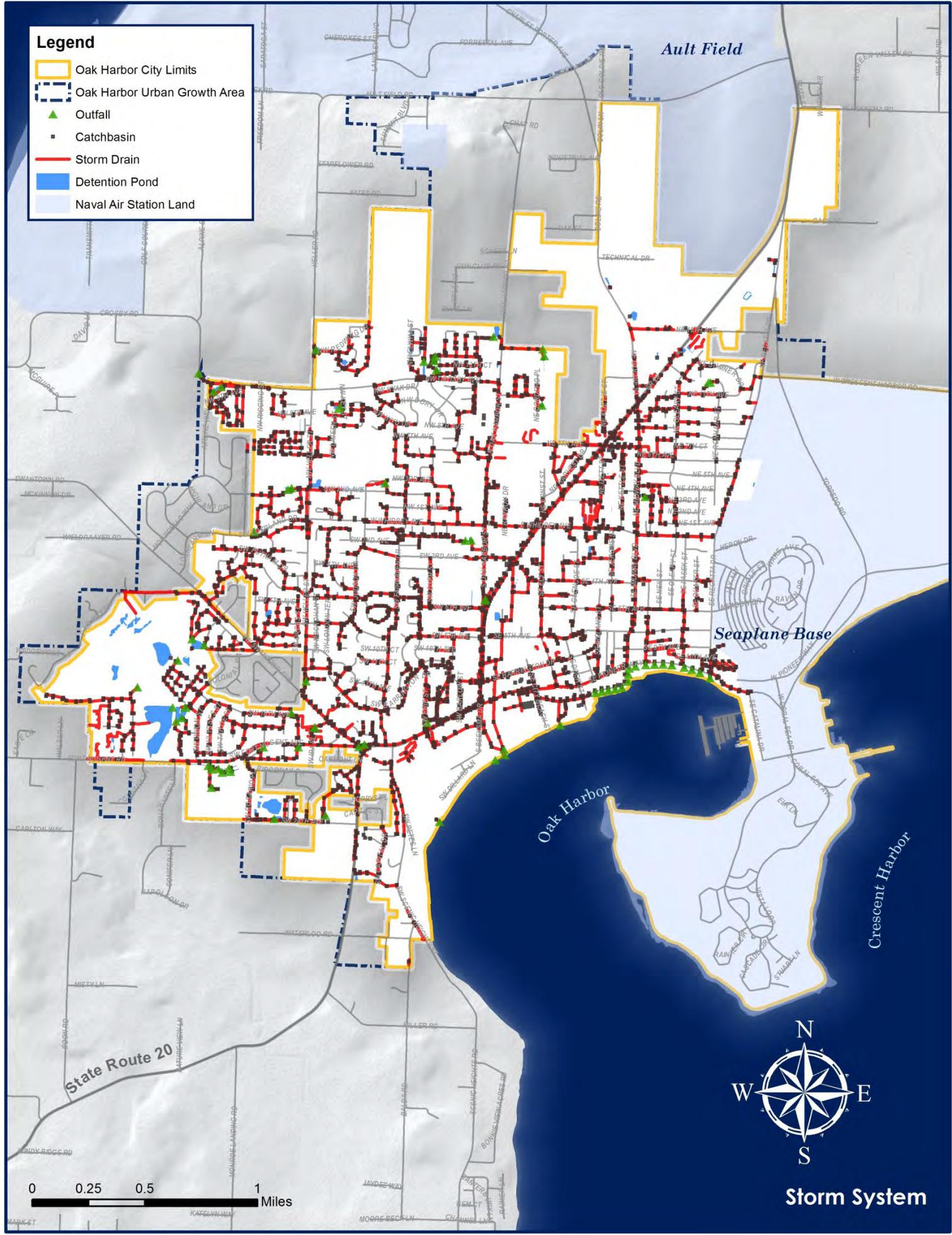
### Legend

- Oak Harbor City Limits
- Oak Harbor Urban Growth Area
- Sewer Manholes
- Sewer Lift Stations
- Sewer Lines
- Naval Air Station Land



## Legend

- Oak Harbor City Limits
  - Oak Harbor Urban Growth Area
  - ▲ Outfall
  - Catchbasin
  - Storm Drain
  - Detention Pond
  - Naval Air Station Land



## Chapter 9 → Economic Development

*In March of 1991, the Department of Defense recommended the closure of NAS Whidbey Island. Although the base was later removed from the closure list, the original action created economic instability in Oak Harbor and the greater north Whidbey Island area. As a result, the "North Whidbey Economic Diversification Action Plan" was prepared to assist the community in diversifying its economy.*

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."*



## Goals and Policies

### **Goal 1 - Encourage coordination between Oak Harbor and Island County governments with local, state, and federal entities as well as the public to promote economically diverse opportunities for Oak Harbor.**

Policies:

- I.a. To ensure community consensus, representation should be sought from all Oak Harbor Stake-Holders in planning for economic diversification. "Stake-holders" include, but are not limited to, the School District, Skagit Valley Community College, NAS Whidbey, Greater Oak Harbor Chamber of Commerce, Island County Economic Development Council, Downtown Development Council, Partnership Oak Harbor, and the public at large.
- I.b. The City and County should monitor the implementation of the North Whidbey Economic Diversification Action Plan and regularly meet to refine economic development programs.
- I.c. To achieve economic development Goals, the City and County should coordinate, where applicable, zoning, development standards, permit review processes, and land use within the urban growth area.

*Discussion - These Goals include, but are not limited to, those listed within the North Whidbey Economic Diversification Action Plan.*

- I.d. Ensure that economic development addresses all levels of the demography, including, the youth and retired.
- I.e. The City, working with other governmental agencies and the public sector, shall seek to provide employment opportunities for older adults, particularly those with low-to-moderate incomes.
- I.f. The City should pursue Rural Economic Development Fund grants through Island County to assist in funding the construction of public facilities that support economic development projects identified in the Capital Improvements Plan.
- I.g. The City should work with the Economic Development Council in promoting the Opportunity Zone and explore leveraging private investments in this area with improvements to public infrastructure.

## **Goal 2 - Implement the Waterfront Redevelopment, Branding and Marketing Program to increase visitor spending and enhance the quality of life and economic vitality of Oak Harbor.**

*Discussion - The Waterfront Redevelopment, Branding and Marketing Program focuses on capital and non-capital projects intended to improve the community's economic and recreational opportunities along the waterfront. The mix of existing assets ripe for redevelopment, combined with future development opportunities, will contribute significantly to the community's livability and economic vitality. The existing commercial core area, referred to as the Harborside Shops area, receives special prominence in the program.*

### **Policies:**

- 2.a. The City shall pursue a variety of funding strategies as outlined in the Waterfront Redevelopment, Branding and Marketing Program in order to bring about its implementation.
- 2.b. The City will assist the Old Town businesses and Main Street Association to help implement the capital and non-capital projects identified in the Waterfront Redevelopment, Branding and Marketing Program.
- 2.c. The City should seek, support and assist in grant applications to help fund construction of planned circulation improvements in the downtown area.

- 2.d. The City should support and assist private property owners in the Old Town area with planning projects in conformance with the Waterfront Redevelopment, Branding and Marketing Program.
- 2.e. Improve Old Town's identity from State Highway 20 through signage and other projects identified in the Waterfront Redevelopment, Branding and Marketing Program.

### **Goal 3 - Increase Oak Harbor's market share of retail sales to reduce the economic leakage off-island.**

Policies:

- 3.a. Adequate land should be zoned, where compatible with existing uses, to meet the retail needs of the local community.
- 3.b. The City should support consolidation of segmental strip development into organized groupings by assisting with planning and upgrading of site improvements.

### **Goal 4 - Continue working with the Navy to enhance economic opportunities.**

Policies:

- 4.a. The City 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 surplusing issues clearly make joint use not a viable option, particularly for the scope of time of this study". 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.b. Consider surplus military lands for economic diversification potential.
- 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".*

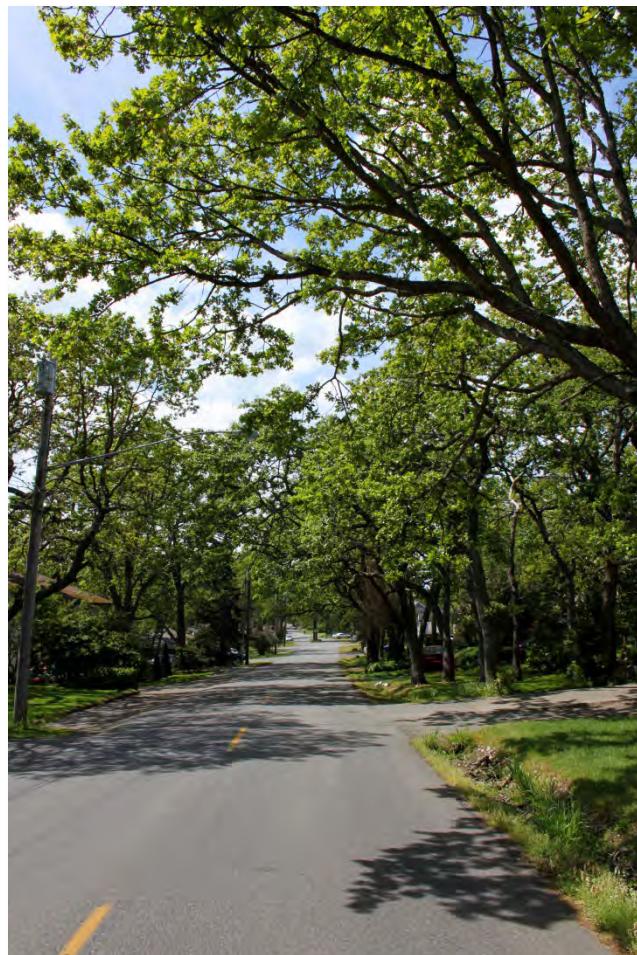
### **Policies:**

- 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.b. Diversification assistance should be directed towards helping businesses and employees most likely impacted by military realignments.
- 5.c. The City should work to establish the North Whidbey Enterprise Area to facilitate the creation of primary jobs in targeted business sectors including transportation, manufacturing, and utility (see North Whidbey Economic Diversification Action Plan and map).
- 5.d. The City should consider annexations in the Enterprise Area in coordination with extension of utilities and other infrastructure.
- 5.e. 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.f. 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.g. Encourage non-polluting industries to locate within the city and/or urban growth area.
- 5.h. The City should pursue funding and construction of the North Whidbey Enterprise Area sewer as a means of encouraging economic growth and job creation within this area.

## **Goal 6 - Ensure tourism with an emphasis on strengthening Oak Harbor as a tourist destination.**

### **Policies:**

- 6.a. The City, Oak Harbor Chamber of Commerce and other tourism agencies should participate in regional tourism planning.
- 6.b. Allocate hotel/motel tax funds and leverage additional support for tourism.
- 6.c. The City should encourage the Tourism Promotion and Visitor Information Center programs of the Chamber of Commerce.
- 6.d. Encourage the Economic Development Council to promote and assist existing and new tourist oriented businesses.
- 6.e. A hotel/special events center should be encouraged to locate in the downtown waterfront area, as determined in the Downtown Redevelopment, Branding and Marketing Program.
- 6.f. The City should explore and encourage the development and expansion of eco-tourism and military related tourism, such as reunions and a military museum.



# Chapter 10 → Urban Growth Area

*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.*

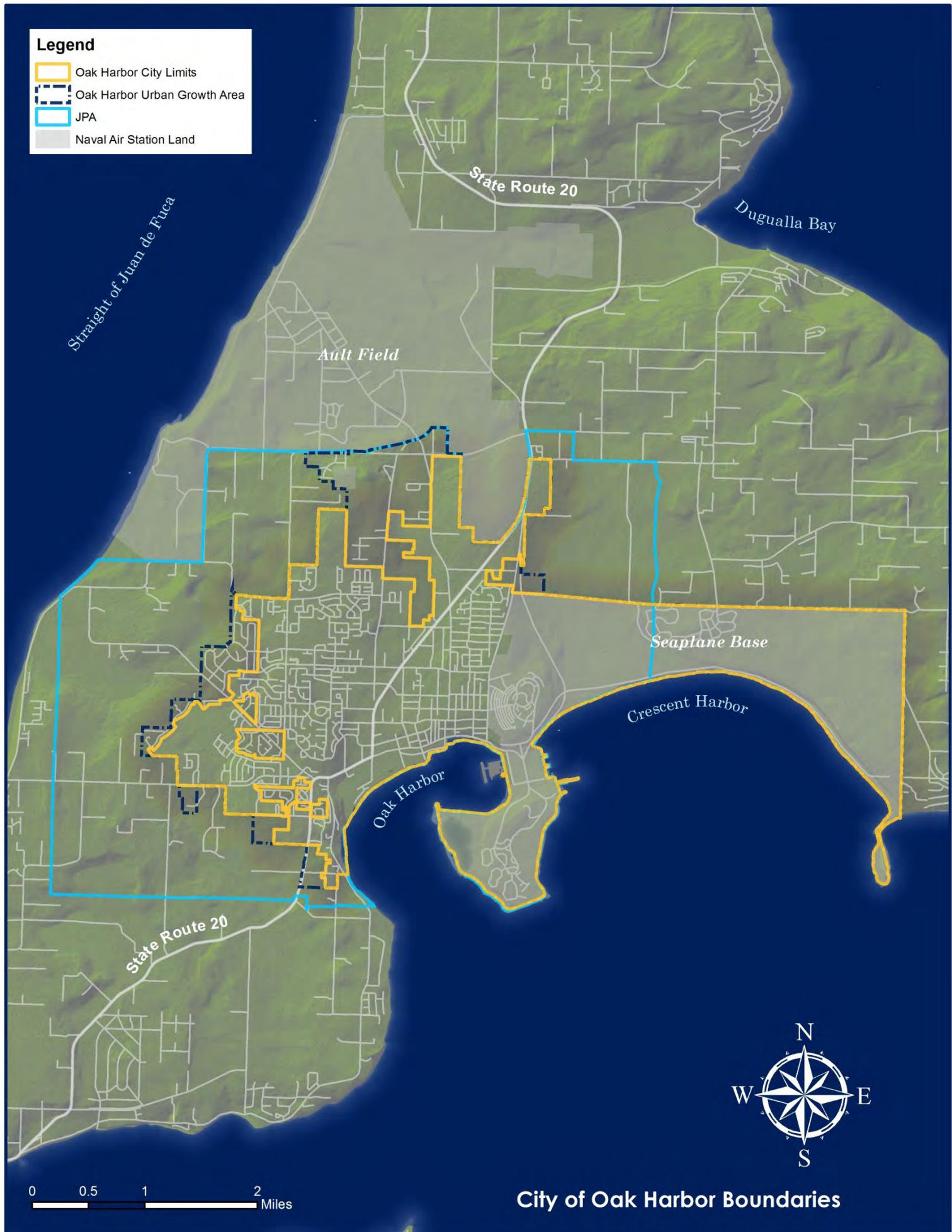
Consistent with the County-Wide Planning Policies, the term UGA includes both the incorporated land and the surrounding unincorporated area that is planned to accommodate future urban development. For a complete outline of urban governmental service standards, the reader is referred to the Government Services Element.

## Goals and Policies

### **Goal 1 - Support and encourage urban uses and densities to occur within the UGA boundaries.**

Policies:

- I.a. Include urban density growth, and municipal public facilities serving that growth, only within the UGA boundary, as mandated by the Washington State Growth Management Act.
- I.b. Ensure that sufficient land in the UGA is available to provide reasonable development opportunities to accommodate twenty years of population and employment growth.
- I.c. Progress toward eliminating unincorporated enclaves in order to provide for the most efficient provision of urban services within the UGA.



## **Goal 2 - Engage the County cooperatively in determining expansions to the UGA boundary in accordance with the County Wide Planning Policies.**

### **Policies:**

- 2.a. The UGA boundary expansion may be activated by a proposal from either the City or County. Both governments must agree on the boundary as required by the Washington State Growth Management Act.
- 2.b. Base proposed expansion of the UGA on the percentage of developable land existing within the UGA as determined by the City Council as well as changes in the city or amendments to the Comprehensive Plan.

*Discussion – The City may choose to initiate discussion with the County for a UGA boundary change when the city reaches a threshold of approximately 15% undeveloped acres of any one major land use category, i.e. residential, commercial and industrial land use categories, within the city UGA as defined in the Land Use Plan.*

## **Goal 3 - The City and County shall adopt inter-jurisdictional cooperation policies regarding land within and surrounding the UGA.**

### **Policies:**

- 3.a. Joint planning should identify, in advance, the priority areas of future boundary expansion.
- 3.b. Ensure regional growth capacity issues are a part of the consideration of the boundary expansion by the City and County.

*Discussion - The City and County base their comprehensive plans on official population forecasts developed by the State of Washington Department of Financial Management. The forecasts are allocated to the four regions of Island County, with Oak Harbor located in the North Whidbey Island region.*

- 3.c. Continue to use and 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.
- 3.e. A portion of Ault Field should be included in the Oak Harbor UGA in the event the base is closed, lands are surplus, or the base's mission is changed and joint use becomes possible. The City shall coordinate with the County, the Department of Defense and other agencies involved to develop a Master Plan for reuse of the air

station should any of these events occur.

*Discussion - Portions of Ault Field which could be included in the UGA are airfield functions such as operation areas, runway, structures, and clear zones (see Land Use map). These areas are urban in character and served by water systems interconnected with the City.*

**Goal 4 - Annexations to the City will occur in compliance with the Washington State Growth Management Act and the following policies.**

Policies:

4.a. Land to be annexed should include only areas seen as logical extensions of the City, located adjacent to existing urban development.

*Discussion - This policy is to be used solely as a guide to prevent leap-frogging and not as a means of preventing growth.*

4.b. The City should avoid annexations that would result in unincorporated enclaves within the UGA.

*Discussion - An unincorporated enclave is an area completely surrounded by incorporated parts of the city. However, the City may make exceptions to this policy in cases where the potential enclave is already characterized by urban density. In such cases, the City should first encourage petitioners to work with property owners inside the potential enclave to include them in the annexation area. Failing this preferred option, only then should the City consider whether the annexation would further other Comprehensive Plan goals, such as economic development, and otherwise be consistent with annexation policies.*

4.c. Annexations to the City should be based on evidence that public facilities and service capacities already exist or are planned for and can be efficiently, economically, and practically provided by either public or private sources.

4.d. Annexations should not diminish the present LOS or create an excessive financial burden to existing and prospective property owners in the City.

- 4.e. Ensure property owners within an annexing area are aware of foreseeable obligations or requirements that may be imposed upon them by the City at the time of annexation.

*Discussion - Provide foreseeable cost estimates where possible.*

- 4.f. Require existing buildings, within annexed areas, to meet the City's fire and safety requirements.

*Discussion - Public safety shall be ensured by the following:*

- \* An inspection will be conducted of all properties within the proposed annexation area. The Fire Department will identify deficiencies of fire and life safety codes to property owners and City Council. Actions for addressing the deficiencies within specified time frames as recommended by the Fire Department and subject to approval by City Council, will be in the annexation agreement.
- \* Upon annexation, existing buildings will be required to have minimum fire-flow within three years for mobile home parks, and two years for all other buildings, or by annexation agreement. Smaller, individually developed properties should not be burdened by excessive costs of utility improvements beyond their normal proportional share of costs. Costs should be proportionate to benefit.
- \* Existing buildings not conforming to the City's requirement for fire sprinkler systems, will not be subject to retrofitting until the building is remodeled, modified or has an occupancy reclassification. Occupancies or portions thereof classified as hazardous and/or required to have fire suppression systems in accordance with the Uniform Building Code will be required to install an approved system within one year.

- 4.g. Assure that the City's fire rating is not reduced because of annexation.

*Discussion - The intent is to preserve the City's current fire rating and LOS and protect public welfare by providing a water supply of sufficient quantity and pressure for fire protection. In all instances, areas to be annexed should be analyzed for their potential effect on the City's fire rating. Programs should be established to assure improvements are made in the annexed area or to correct identified deficiencies made elsewhere in the City to balance rating deficiencies in the annexed area. Property owners in the annexing area may be required to pay all or a portion of the cost to correct the deficiencies in their area.*

- 4.h. Maintain the existing level of police service when annexing new areas.

*Discussion - The intent is to protect the residents of the City from a reduced level of police services due to annexation. In all instances the areas to be annexed should be analyzed for their potential effect on the City's current level of police protection. Increases in police personnel may be necessary in order to remain at its present LOS. The City should have a method for analyzing the fiscal impacts of annexation on police services.*

- 4.i. Annexation proposals should describe the method and level of funding for capital facilities needed to serve the annexed area.

- 4.j. Proponents of annexation in developed or partially developed areas should pay their fair share of the costs of urban services and public improvements required to meet the City's LOS standards.

*Discussion - This commitment to meet the City's LOS standards should be identified by all annexation agreements, including pre-annexation agreements.*

- 4.k. The City may require the preparation of a fiscal impact study which addresses long and short-term economic impacts to the City.
- 4.l. Annex, when possible, areas of sufficient size that square off City boundaries and enhance circulation.

*Discussion - This policy makes subarea planning for local roads and utilities more efficient.*

- 4.m. Proposed annexations shall not result in the long-term reduction of the City's established LOS standards.

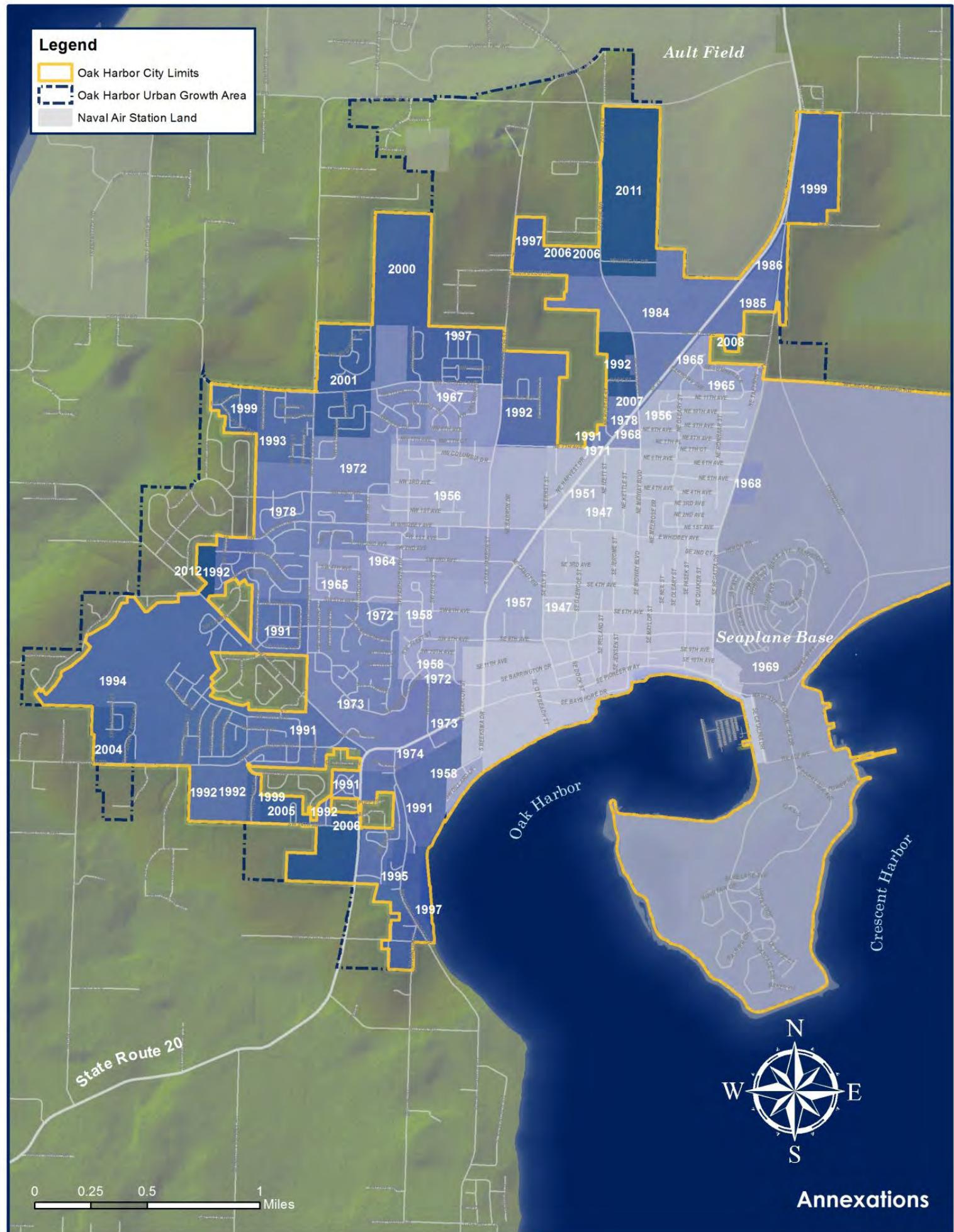
**Goal 5 - New neighborhoods annexed into the City should contribute in a positive manner to sustain and enhance the quality of life for all Whidbey Island citizens while promoting a strong sense of place for Oak Harbor.**

**Policies:**

- 5.a. Annexation agreements should include a preliminary plan for a transportation network that emphasizes connections to existing neighborhoods, streets and pedestrian facilities.
- 5.b. Where topography allows, new annexation areas should develop in the traditional lot and block grid pattern that typified early Oak Harbor development and enhances the provision of public facilities and services.
- 5.c. The City should consider the desirability of acquiring potential new public facilities, such as trails, parks or open space lands, during the annexation review process with the cooperation of the petitioners.
- 5.d. In annexation requests where the surrounding land uses could be significantly affected by the potential land uses in the annexing area, the City should require a greenbelt designation of an appropriate width to ameliorate the negative impacts.

*Discussion - This policy would apply to the annexation of new industrial lands that abut properties that have historically been used for residential purposes.*

- 5.e. The City should adopt standards that support the Comprehensive Plan annexation policies.





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# Chapter 11 → Environmental Element

*The City of Oak Harbor recognizes the value of its natural environment and supports environmental protection and enhancement. The community recognizes that total preservation may not be feasible in an urban area. Rather, the City should seek to implement environmental goals within the context of planned growth. This approach acknowledges and accepts the demand for growth, and suggests that urbanization can be sensitive to those resources found to be valuable to the community.*

Along with the Land Use Element, the Environmental Element is one of the central components of the comprehensive plan. While the Land Use Element is the cornerstone for the Capital Facilities, Utilities, Housing, Economic Development and Open Space elements of this Plan, the Environmental Element is the key for planning the protection and enhancement of the City's natural environment. The Environmental Element goals and policies and the critical areas designations shown on the Critical Areas Maps are important for planning appropriate land uses and establishing meaningful open space areas and corridors. The Environmental Element is closely coordinated with the Land Use Element so the City can meet its land use, housing and economic development goals, while protecting and enhancing the natural environment. The Environmental Element is also coordinated with the City's Shorelines Master Program (SMP) to ensure that shoreline uses are consistent with protection of these valuable environmental resources.

The SMP applies to all shoreline areas under the jurisdiction of the City. Management of shorelines is mandated by the State's Shoreline Management Act (RCW 90.58). Mapped

shorelines include Oak Harbor Bay and Crescent Harbor. The SMP provides goals, policies, and regulations for shoreline areas, generally described as aquatic environments and tidelands of Oak Harbor Bay, and land areas within 200 feet of the ordinary high water mark. Crescent Harbor lies within federal jurisdiction and as such is governed by the Naval Air Station. The Naval Air Station has developed the Integrated Natural Resources Management Plan to guide activities at the base. The following policies serve as general goals for shoreline use of Oak Harbor Bay, as identified by the Master Program.

## Existing Environmental Conditions

The City has a rich natural environment that shapes the land uses and development patterns in the City. The City's natural environment includes critical areas, shorelines, and cultural resources. Each of these features contributes to the health and special character of Oak Harbor. These natural resources include tidal flats, wetlands, fish and wildlife habitat conservation areas (including species and habitats of local importance such as Garry Oak), geologically sensitive areas, frequently flooded areas, and aquifer recharge areas. Urban forest areas are also found in the City.

A key amenity of Oak Harbor's natural environment is the visual and physical association with the marine waters of Puget Sound. The marine shoreline is addressed in greater detail under the City's Shorelines Master Program. The unique marine relationship, critical areas, and other environmental values such as air and water quality, are discussed below. Inventories and mapping of these critical areas and environmental features within the City of Oak

Harbor and the Urban Growth Area (UGA) are included in this Element.

- Tidal flats are found along the shoreline of Oak Harbor Bay.
- Wetlands are found throughout the UGA, with one large wetland system associated with the shoreline.
- Frequently flooded areas associated with several of the wetland and tidal areas are also mapped.
- Geologically sensitive areas are primarily associated with the bluffs along the shoreline and other steep slopes. Potential liquefaction areas exist in the downtown area and Maylor Point.
- Fish and wildlife habitat conservation areas primarily include marine resources such as eelgrass communities, shellfish, forage fish spawning areas, great blue heron, and bald eagle habitats. Of local significance, areas of Garry Oak habitat are also included.
- Critical aquifer recharge areas are mapped based on the susceptibility of current or possible future potable water supplies to pollution.

## Goals and Policies

### Growth Management Act Goals

RCW 36.70A.020 sets forth fourteen Planning Goals for use by jurisdictions in developing comprehensive plans. These goals are not stated in any order of priority. One of those goals, as shown below, directly addresses the environment:

*(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.*

Implementing this goal, the City of Oak Harbor finds that it is in the public interest to protect critical areas from adverse impacts to preserve public health, safety, and welfare. The State's Growth Management Act mandates designation and protection of environmentally critical lands and their functions and values.

## **City of Oak Harbor Goals and Policies**

The goals and policies address protection and enhancement of the natural environment features found in Oak Harbor. These features include shorelines and tidal flats, wetlands, fish and wildlife habitat conservation areas (including species and habitats of local importance such as Garry Oak), geologically hazardous areas, frequently flooded areas, and critical aquifer recharge areas, urban forests, surface water quality, air quality, stormwater management, and cultural resources.

### **Goal 1 - To protect the public health, safety and welfare by preventing adverse impacts to critical areas, their functions and values**

Policies:

- I.a. Update and implement regulations for the protection of critical areas consistent with state law.
- I.b. Update and maintain inventories of all critical areas within the City and its UGA.
- I.c. Coordinate with Island County to jointly prepare a critical areas field reconnaissance study for proposed transportation and utility corridors in the Enterprise Area.
- I.d. A monitoring and management program should be developed to prevent adverse impacts to the environment and critical areas from noxious, invasive and non-native plant and animal species.

### **Goal 2 - Encourage alternative methods of resource protection and stewardship**

Policies:

- 2.a. Encourage acquisition by public agencies and non-profit organizations that have the benefit of long-term preservation and direct control over the resource.
- 2.b. In all but the most extreme cases, acquisition should occur with the voluntary participation of the property owner.
- 2.c. Financial incentives such as reductions in property taxes have the advantage of reduced public costs for acquisition and maintenance and represent a more collaborative approach between private owners and the City.
- 2.d. Encourage regulatory options, such as zoning and subdivision controls and incentives such as density bonuses for clustered development, to reduce public costs for acquisition and maintenance of resources.
- 2.e. The method of resource preservation should be based on the public benefit derived from preservation, resource sensitivity, maintenance requirements, and related planning goals and policies.
- 2.f. Designate existing and potential open space areas on land use, park and recreation, and open space plans. Open space may include public and private parks, greenbelts, corridors, and critical areas.
- 2.g. Work with the Navy and other agencies to acquire open space lands in a coordinated regional effort to preserve open space.
- 2.h. Continue to pursue advanced acquisition of park lands within the UGA, ahead of development pressures.

- 2.i. Provide incentives to promote conservation of open space on private land, such as tax incentives, density credits, and various alternatives in the city's development regulations.
- 2.j. Promote Island County's Public Benefit Rating System to provide tax incentives.

**Goal 3 - Preserve and enhance water quality in conformance with the Puget Sound Partnership's Action Agenda for Puget Sound and other Clean Water Act and Growth Management Act requirements**

Policies:

- 3.a. Use a comprehensive system of drainage facilities (and public education) to control the quality and quantity of storm water runoff.
- 3.b. Update the Comprehensive Storm Drainage Plan to incorporate appropriate guidance and information from The Stormwater Management Manual for Western Washington (2012).
- 3.c. Update the Oak Harbor Municipal Code to incorporate low impact development best management practices as the required method of stormwater treatment.
- 3.d. Coordinate with Island County to protect water quality when stormwater drainage affects both jurisdictions.
- 3.e. Approve erosion and sediment control plans for construction activities that include approved best management practices, control sedimentation of waterways, tracking of sediment onto public roads, erosion of denuded soils, and runoff damage to adjacent properties.
- 3.f. Include storm water management facilities to protect water quality and limit maximum discharge to pre-development rate conditions in new developments and substantial redevelopment projects.
- 3.g. Maintain natural drainage patterns and discharge locations to the maximum

- extent practicable, while protecting functions and values of wetlands.
- 3.h. Provide regulations to guide corrective actions necessary to mitigate or cleanse those discharges that pollute waters of the state.
- 3.i. Meet National Pollution Discharge Permit requirements for sanitary sewer discharge.
- 3.j. Be prepared to respond to toxic spill incidents, including monitoring cleanup and assisting permitting agencies with enforcement of related laws. Require large developments and industries to maintain Spill Prevention and Contingency Plans to effectively respond to any spill incidents.

#### **Goal 4 - Maintain and improve air quality in the Oak Harbor Area**

##### Policies:

- 4.a. Cooperate with the Northwest Clean Air Agency and federal agencies in efforts to implement regional air quality standards.
- 4.b. Prohibit open burning associated with land clearing and encourage chipping and use of woody material on-site wherever possible.
- 4.c. New developments should address air quality and establish mitigation measures to avoid significant impacts. Prior to approval of industrial emissions, the City shall coordinate with the Northwest Clean Air Agency and other affected agencies.
- 4.d. Prohibit land uses which create excessive amounts of point-source pollution.
- 4.e. Consider land use and transportation linkages in planning decisions to reduce air quality impacts.



**Goal 5 - To conserve the urban forest to enhance air quality, energy conservation, noise abatement, community aesthetics, wildlife habitat, and the general quality of life appropriate to a small urban community.**

*Discussion - The urban forest includes the interconnected system of trees and shrubbery on public or private property within the City and the UGA. Components of this system may include remnant forest lands, parks, street trees, forested ridge lines, private open space tracts within subdivisions, greenbelts between land use districts, arterial landscape buffers, landscaping on residential lots, landscaping within parking areas, individual Garry Oaks and hedge rows and trees of significant size or historical importance.*

- 5.f. Continue to work together with Island County to implement a program for greenbelt protection around the UGA.
- 5.g. Require developers to submit and receive City approval of erosion control and limits-of-clearing plans, as applicable, prior to release of land clearing permits.
- 5.h. Prevent indiscriminate removal or destruction of trees and ground cover on undeveloped and partially developed property.

**Policies:**

- 5.a. Increase community awareness about the importance of the urban forest and the positive impact trees and shrubs have upon the environment.
- 5.b. Provide adequate funding to assure safe, well-maintained, and healthy trees and shrubs on public property.
- 5.c. Promote public and private tree planting as well as replacement and preservation programs to sustain and improve the urban forest.
- 5.d. Require retention or planting of trees and shrubs with new development and substantial redevelopment projects.
- 5.e. Encourage City departments, other agencies, and the public to work together to identify opportunities for cooperative projects to enhance the urban forest.

**Goal 6 - Protect, preserve and restore significant historical and cultural resources in the City to the maximum extent practicable**

Policies:

- 6.a. Protect areas of known historic and cultural value from incompatible development and ensure that newly discovered areas are documented by the appropriate experts and authorities.
- 6.b. Develop an inventory of potential historical and cultural resource sites for City reference.
- 6.c. Use the following preferences to address identified historical and cultural resources:
  1. Avoid adverse impacts to the historical or cultural resource.
  2. Protect the historical or cultural resource to the maximum extent possible.
  3. Inventory the historical or cultural resource prior to development activity through archaeological surveys and subsurface testing.
  4. Monitor the resource during development activity.
- 6.d. Coordinate with the appropriate Native American Tribe(s) or Nation for identified Native American cultural resources prior to development activity.
- 6.e. Encourage voluntary protection of significant historical and cultural resources, using acquisition, incentives, conservation easements, transfer of development rights, and alternative reuse of structures.
- 6.f. Develop educational materials as appropriate to educate the public and increase awareness and appreciation for historical and cultural resources.

- 6.g. Incorporate the preservation of historical and cultural resources into development permit and land division reviews.

## **Goal 7 - Include “Best Available Science” in the process of designating critical areas and developing environmental regulations**

### **Policies:**

- 7.a. Include the best available science in developing policies and regulations to protect the functions and values of critical areas and shorelines.
- 7.b. Identify the best available science (science obtained through valid and reliable scientific process) used in developing the regulations.
- 7.c. Identify any non-scientific information used as a basis for departing from science-based recommendations for policy and regulations. The reasoning for use of non-scientific information shall be specified.
- 7.d. Where scientific information is lacking or non-scientific information is used in developing policies and regulations, implement a precautionary or “no-risk” approach or an adaptive management and monitoring program to monitor the protection of the functions and values of the critical area or resource.

## **Goal 8 - Integrate and streamline the environmental review process with the development review process**

### **Policies:**

- 8.a. Use the Comprehensive Plan and its supportive environmental impact statement to assess the environmental impact of development proposals to the greatest extent possible.
- 8.b. Review and amend existing regulations to integrate and streamline the environmental review process.
- 8.c. Coordinate with Island County on development policies and regulations to optimize predictability for development and environmental reviews in the UGA.

## **Wetlands Goal**

### **Goal 9 - Protect wetlands from a net loss in functions, values and acreage**

Policies:

- 9.a. Designate, classify, and regulate wetlands based on functions, values and acreage.
- 9.b. Establish standards for wetland protection including use limitations and buffers based on wetland classification and habitat value.
- 9.c. Allow for variances based on potential impacts.
- 9.d. Establish a mitigation sequence reducing impacts to wetlands and their buffers which range from impact avoidance to compensation and monitoring.

## **Fish and Wildlife Habitat Conservation Areas Goal**

### **Goal 10 - To protect fish and wildlife habitat conservation areas from loss or adverse impacts**

Policies:

- 10.a. Designate and classify critical fish and wildlife areas based on type and/or association with priority species.
- 10.b. Identify priority species based on Federal or State status or based on local importance.
- 10.c. Maintain standards for buffers and timing or activity restrictions based on the habitat class and priority species use.
- 10.d. Establish a mitigation sequence reducing impacts to critical habitat functions and values which range from impact avoidance to compensation and monitoring.
- 10.e. Develop conservation or protection measures necessary to preserve or enhance anadromous fish habitat.

## Geologically Sensitive Areas Goal

### Goal 11 - Prevent hazards resulting from incompatible development being sited on geologically sensitive areas

Policies:

- 11.a. Designate and classify areas on which development should be prohibited or limited due to danger from geologic hazards, based on level of hazard or risk.
- 11.b. Regulate significant geologic impacts resulting from development by avoiding or mitigating impacts to identified critically geologically sensitive areas.

## Frequently Flooded Areas Goal

### Goal 12 - Minimize public and private losses due to flood hazards

Policies:

- 12.a. Designate those areas subject to frequent flooding or inundation as flood hazard areas.
- 12.b. Protect the important hydrologic role of frequently flooded areas by preventing or mitigating disruption of frequently flooded areas, which may result in hazards to safety or property.
- 12.c. Limit/restrict development within flood hazard areas to reduce flood control and disaster relief costs.



## Critical Aquifer Recharge Areas Goal

### Goal 13 - Protect critical aquifer recharge areas from contamination and maintain long-term recharge potential

#### Policies:

- 13.a. Designate and classify critical aquifer recharge areas.
- 13.b. Regulate activities that could have negative impacts on ground water quality and or recharge potential within critical aquifer recharge areas.
- 13.c. Limit impervious surfaces to reduce stormwater runoff by incorporating low impact development best management practices into new developments.

## Shoreline Goal

### Goal 14 - Conserve, protect, and enhance shoreline resources through implementation of the Oak Harbor Shoreline Master Program

#### Policies:

- 14.a. Assure protection of the unique character of the City of Oak Harbor and its shoreline environment while providing for compatible use of the shoreline.
- 14.b. Evaluate proposals for economic development along the shoreline or over the water with regard to the degree to which the natural environment and the social qualities of the city will be enhanced and/or affected. Evaluate such proposals with a preference for long-term benefits over short-term benefits. Evaluate development proposals with a preference for proposals that concentrate development in areas where current development already exists.
- 14.c. Ensure safe, convenient, and diversified public access to the water and shoreline, while protecting the natural environment and maintaining quality of life.
- 14.d. Designate, protect and enhance forage fish spawning areas, eelgrass, shellfish areas and shoreline areas used by bald eagles or great blue herons as fish and wildlife habitat conservation areas.
- 14.e. Ensure efficient movement of people, with minimum disruption of the shoreline environment and minimum conflict between different types of uses, through transportation systems developed along the shoreline.

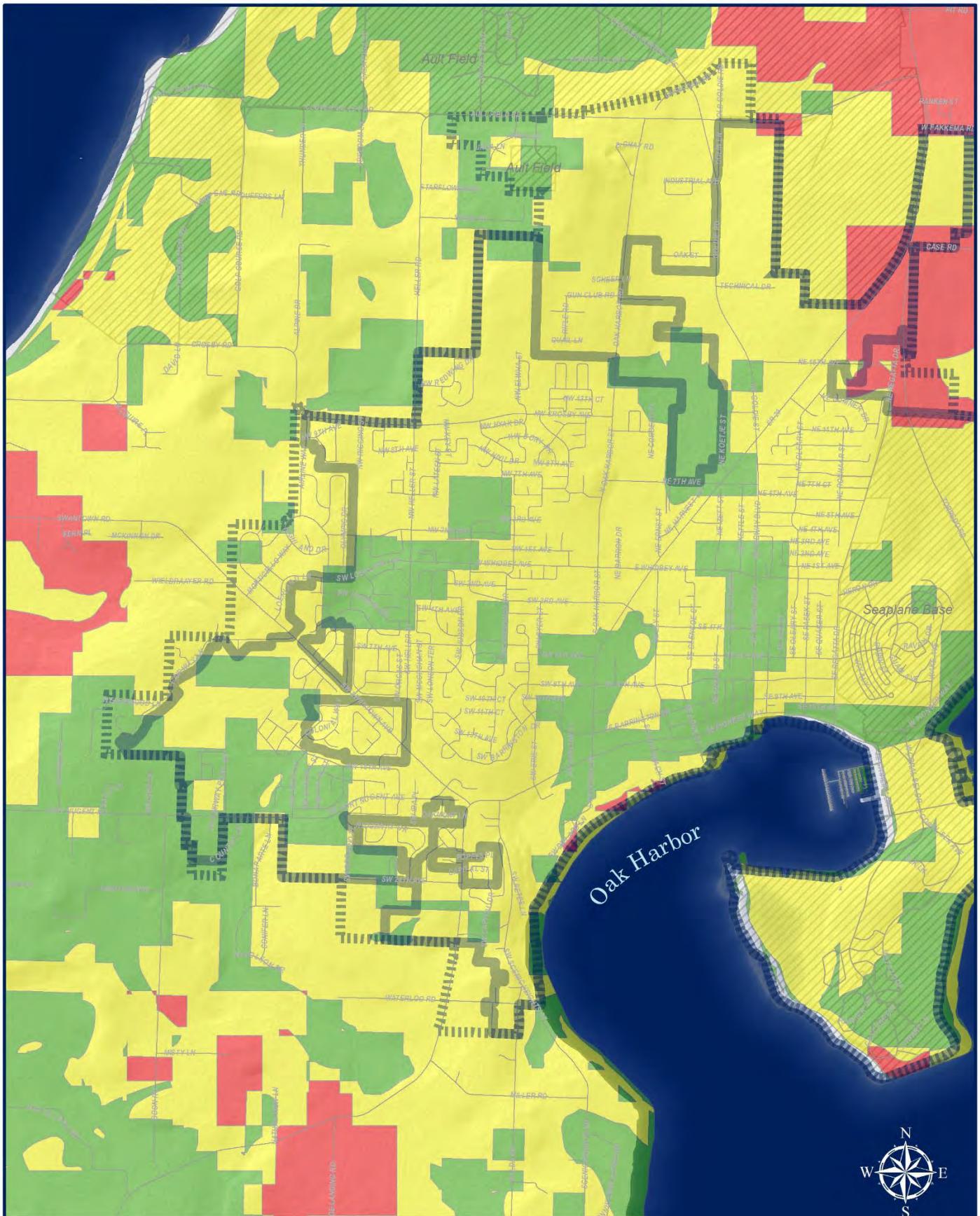
- 14.f. Encourage diverse, water-oriented recreational opportunities that are compatible with and appropriate to the shoreline locations on which they are planned without degrading the shoreline environment.
- 14.g. Conserve natural resources unique to the shoreline for the benefit of existing and future generations. Utilize the following prioritized mitigation sequence in addressing potential impacts to the natural resources associated with the shoreline when evaluating development proposals:
  - 1. Avoid impact by not taking certain action or parts of an action.
  - 2. Minimize impact by limiting the degree or magnitude of action by use of technology or other means.
  - 3. Rectify impact by repair, rehabilitation, or restoration.
  - 4. Reduce or eliminate impact over time by preservation and maintenance operations.
  - 5. Compensate for impact by replacing, enhancing, or providing substitute resources.
  - 6. Monitor the impact and compensation project, taking appropriate corrective measures.
- 14.h. Protect and/or restore shoreline or water areas that have educational, scientific, archaeological, historic, or cultural value.
- 14.i. Recognize that areas lying seaward from the line of extreme low tide of Oak Harbor Bay as shorelines of statewide significance and manage the uses along these shorelines with the recognition of their regional importance.

## Opportunities and Challenges

As is the case with several other plan elements, there are specific areas that present opportunities for future action and challenges which may have to be overcome. Below are the opportunities and challenges pertinent to the Environmental Element.

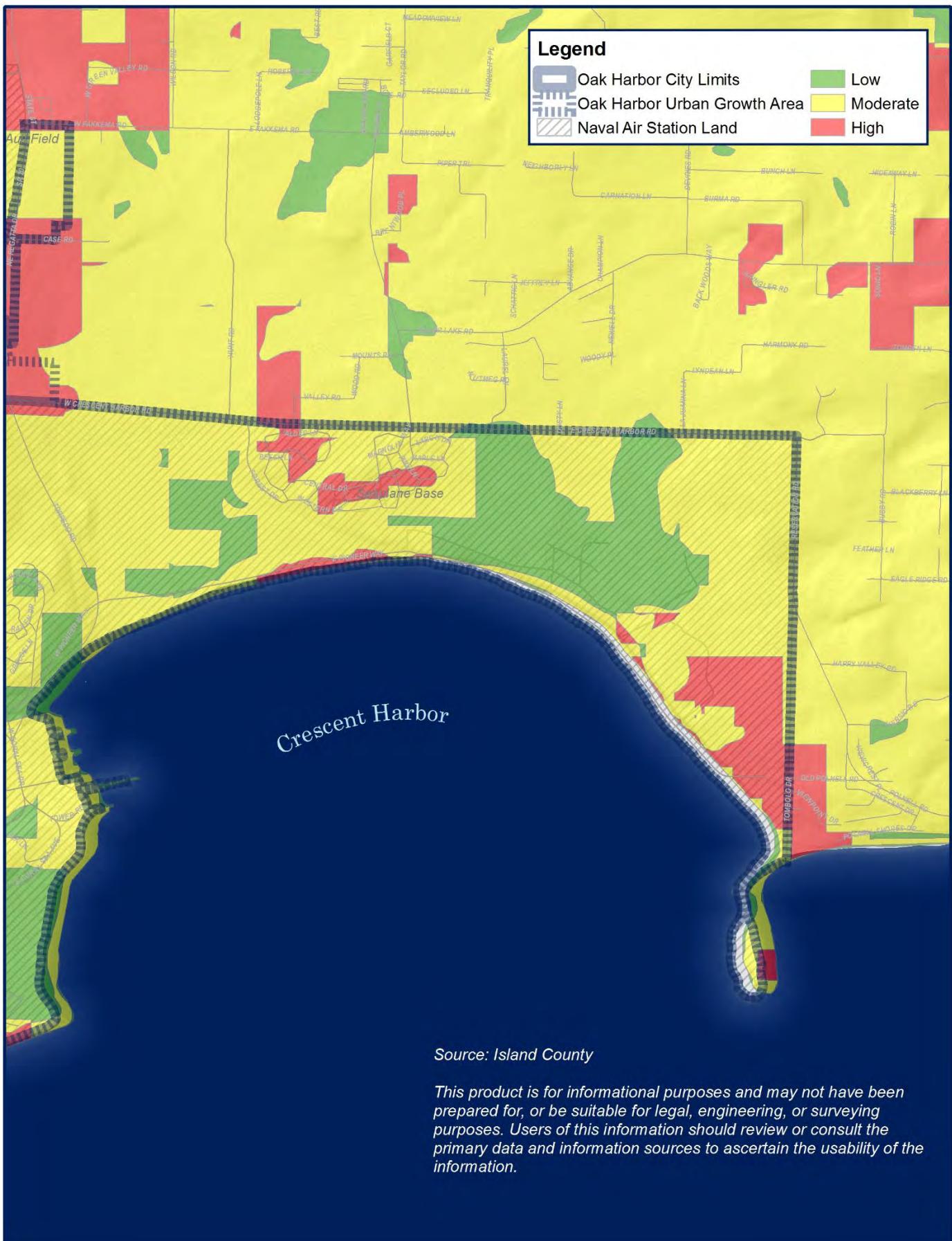
The appropriate agency to acquire open space lands depends upon management objectives, available resources, and various land use considerations. For example, management of wildlife habitat may best be accomplished by a land trust, wildlife agency or conservation organization, while the City or a parks district may be the appropriate steward of recreational lands. Island County's Open Space Public Benefit Rating System may be a useful tool in helping to prioritize the specific open spaces to be acquired or protected. This system was originally developed following extensive public input, including input from residents of Oak Harbor.

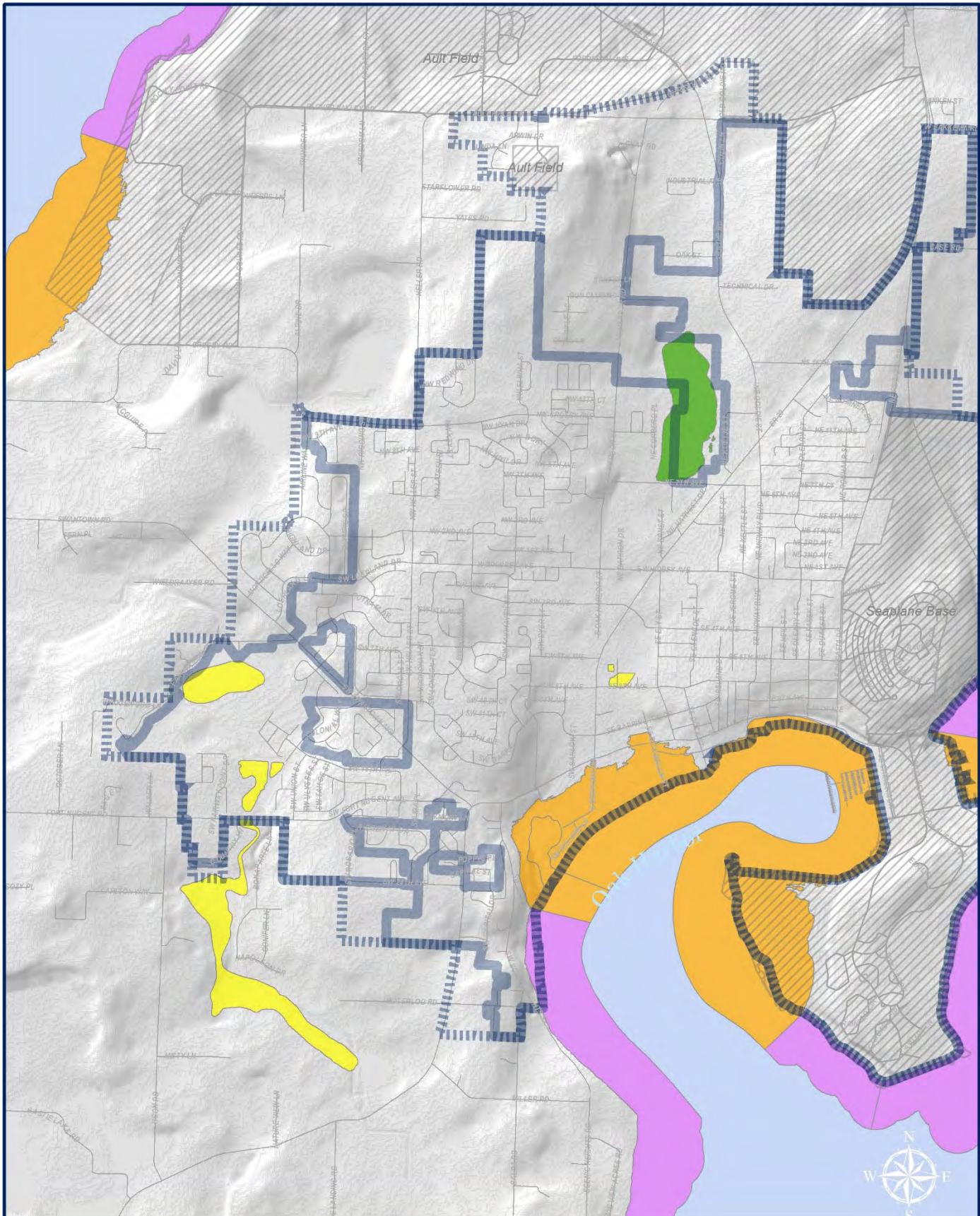
Greenbelt protection may include clustered development incentives, critical areas regulation, educational support for agriculture and forestry uses through the Washington State extension service, and transfer of development rights as administered by Island County. The City should work with the County to implement the interlocal agreement that allocates a portion of Conservation Futures funds generated from Oak Harbor toward open space preservation in the Joint Planning Area or UGA. Where practical, valuable open space areas outside the UGA should be considered for acquisition or protection to benefit future generations.



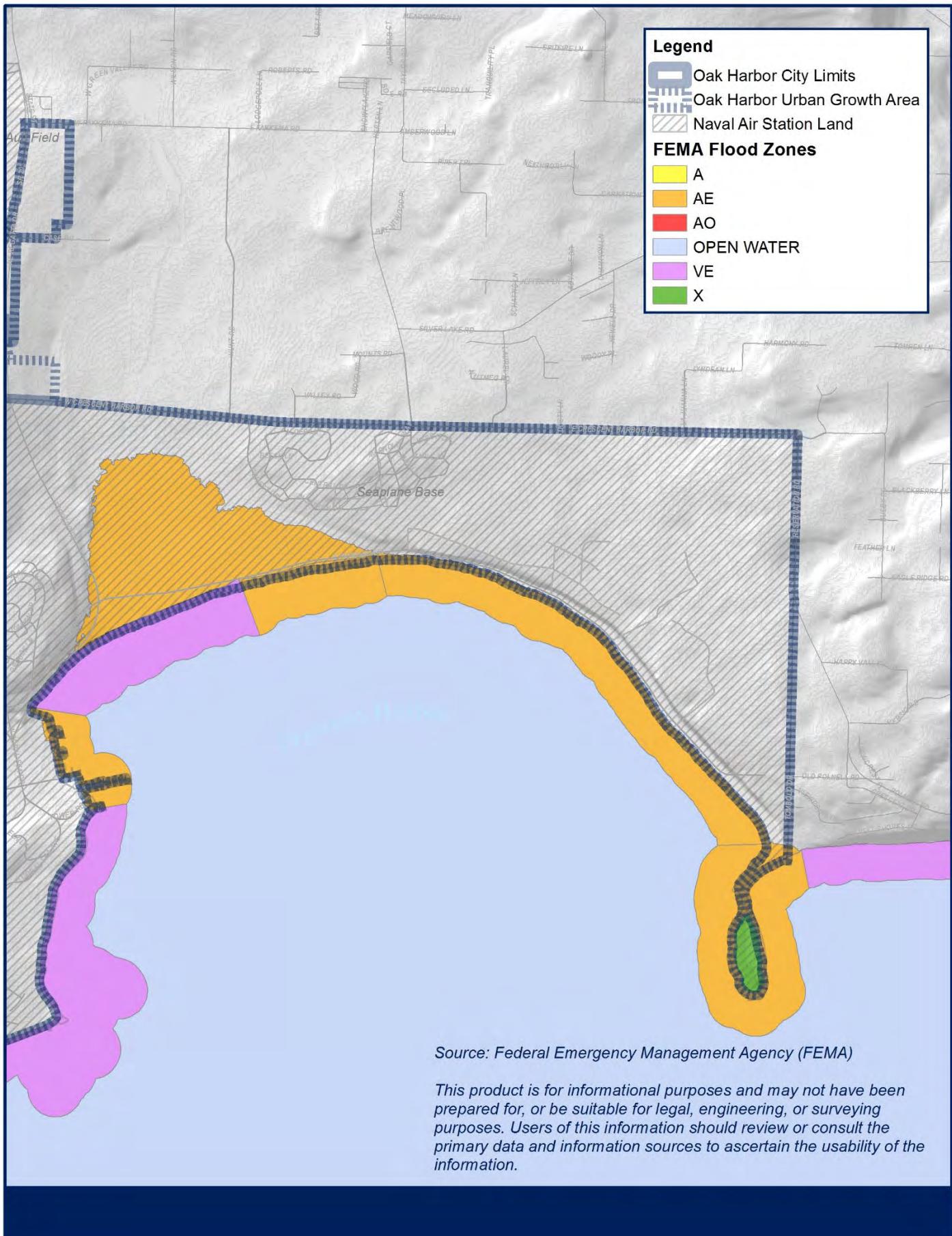
## Critical Aquifer Recharge Areas

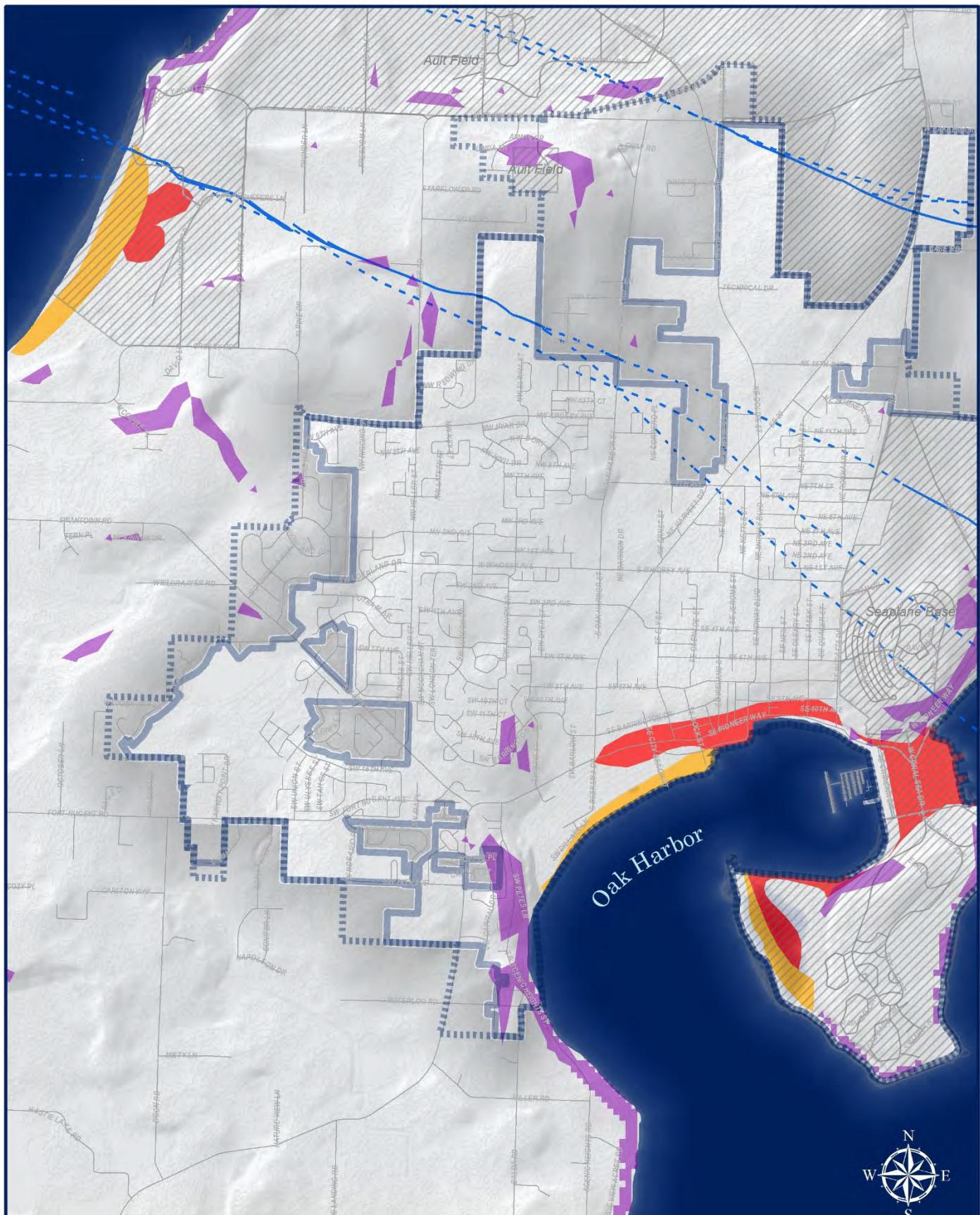
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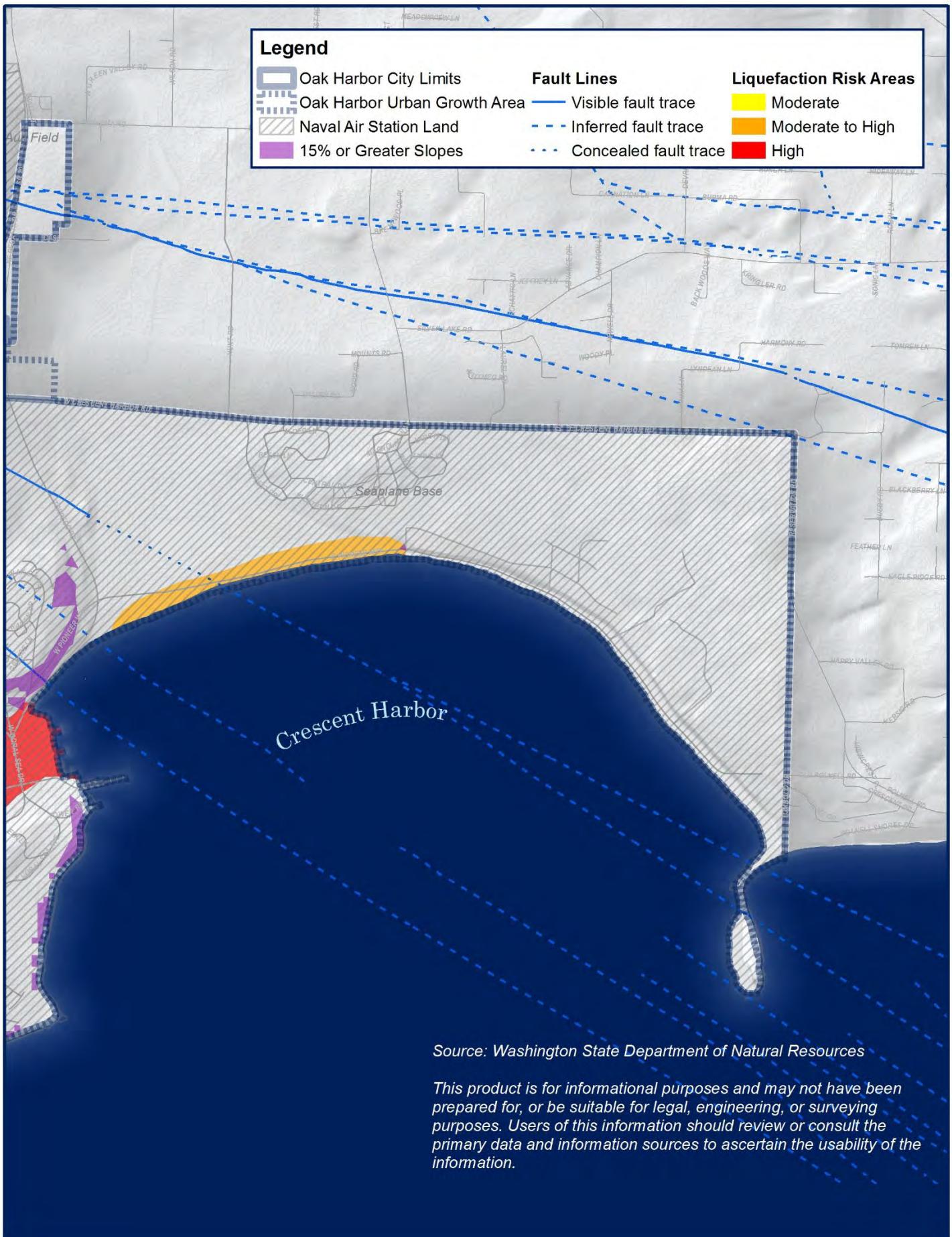
## Frequently Flooded Areas

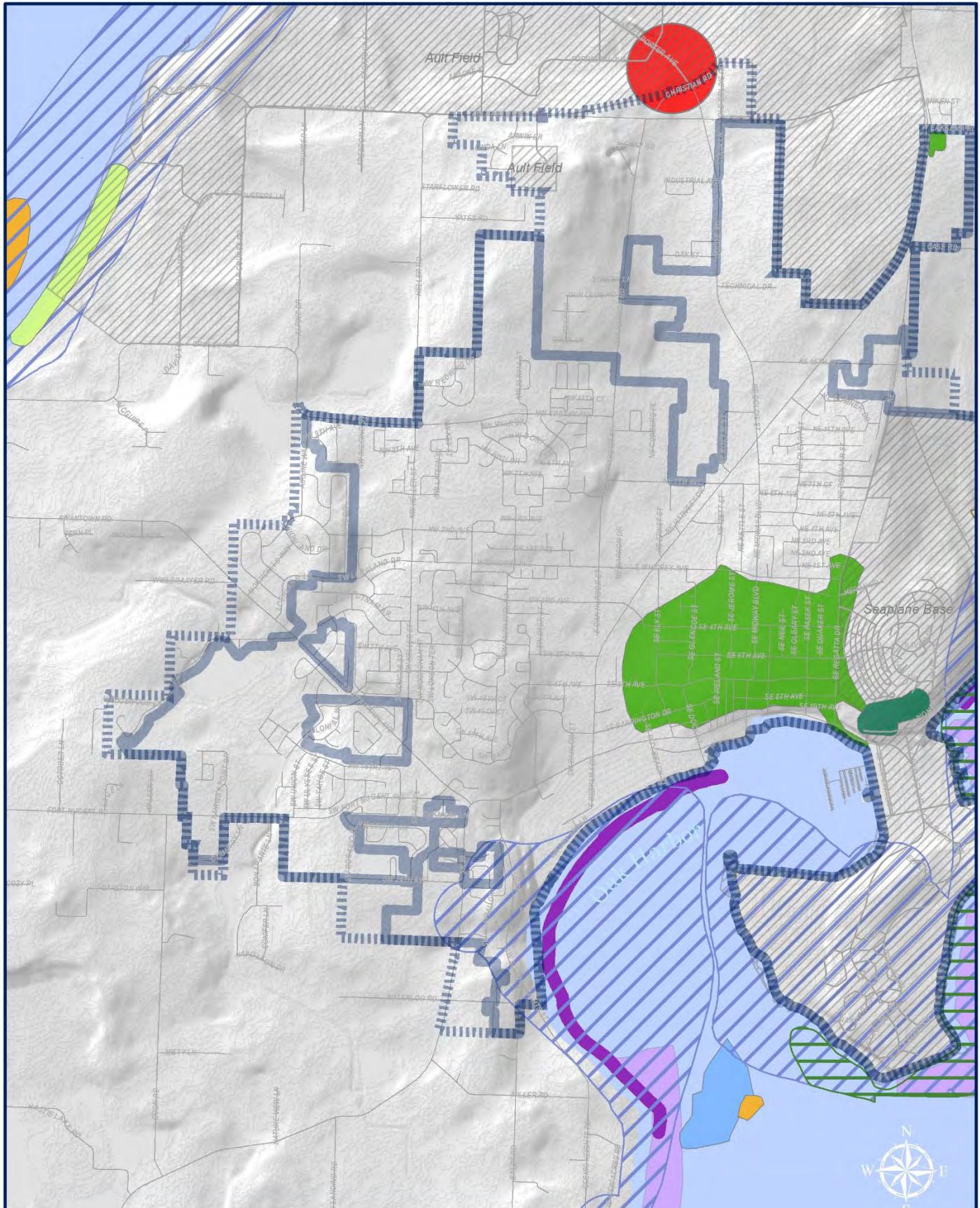




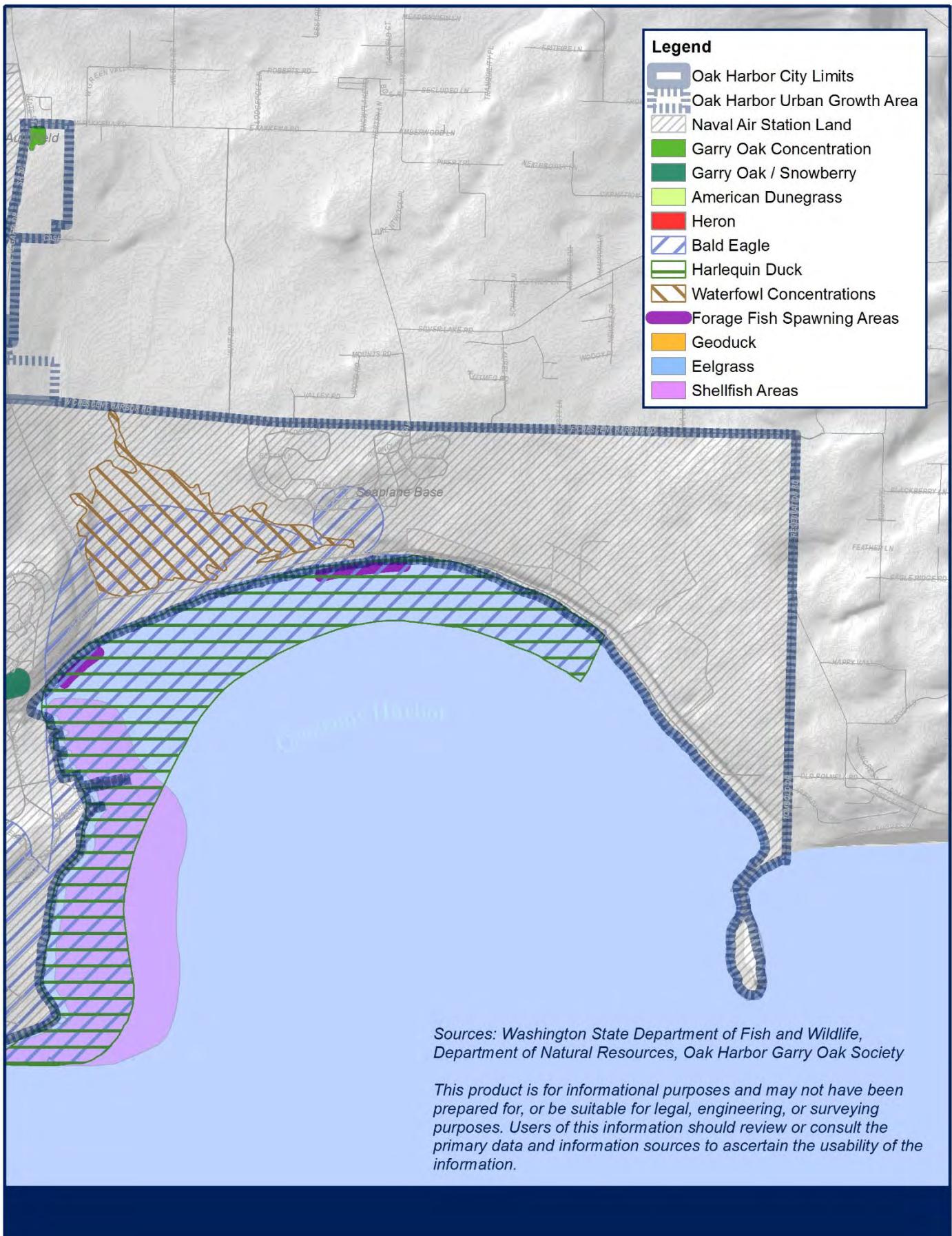
## Geologically Hazardous Areas

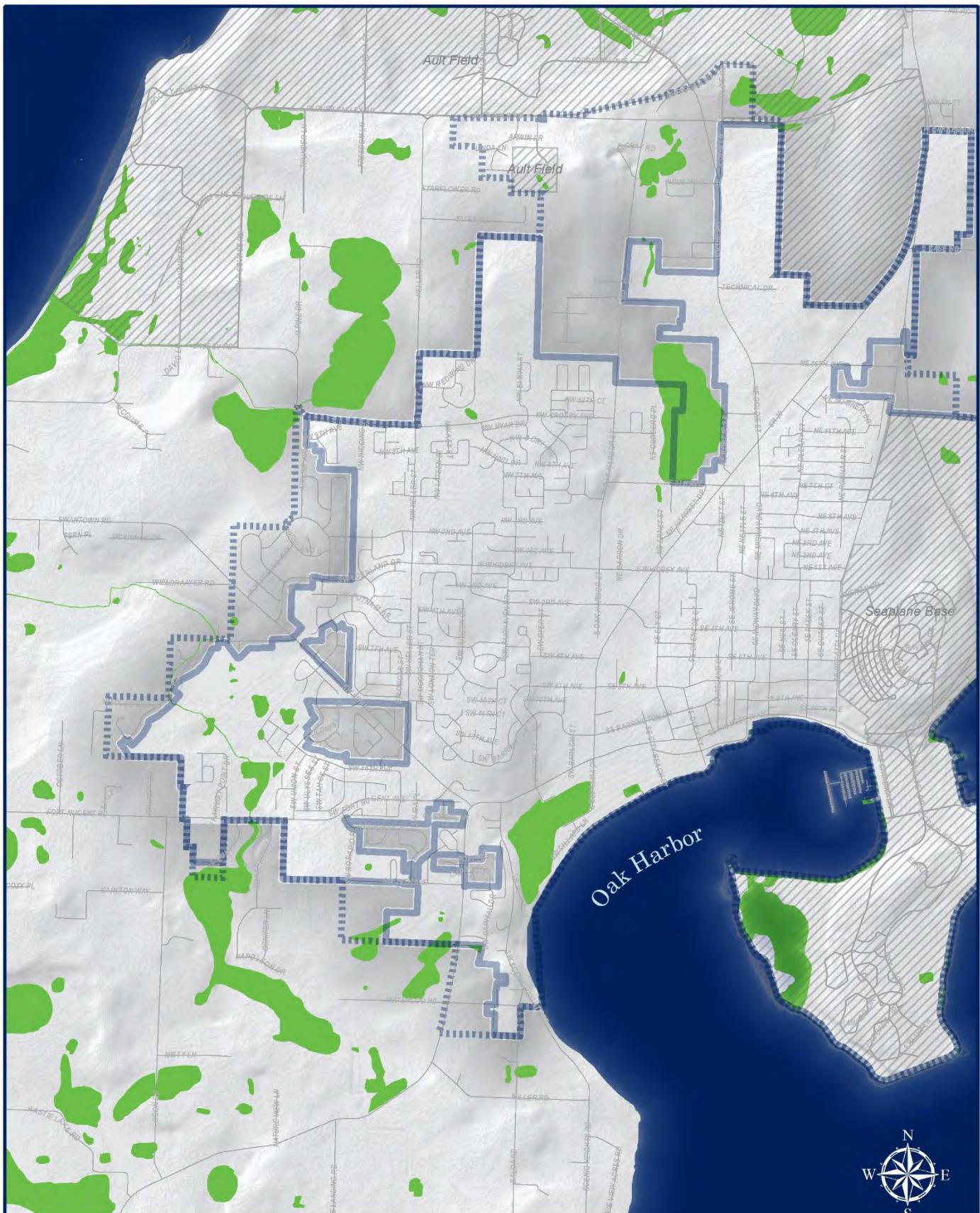
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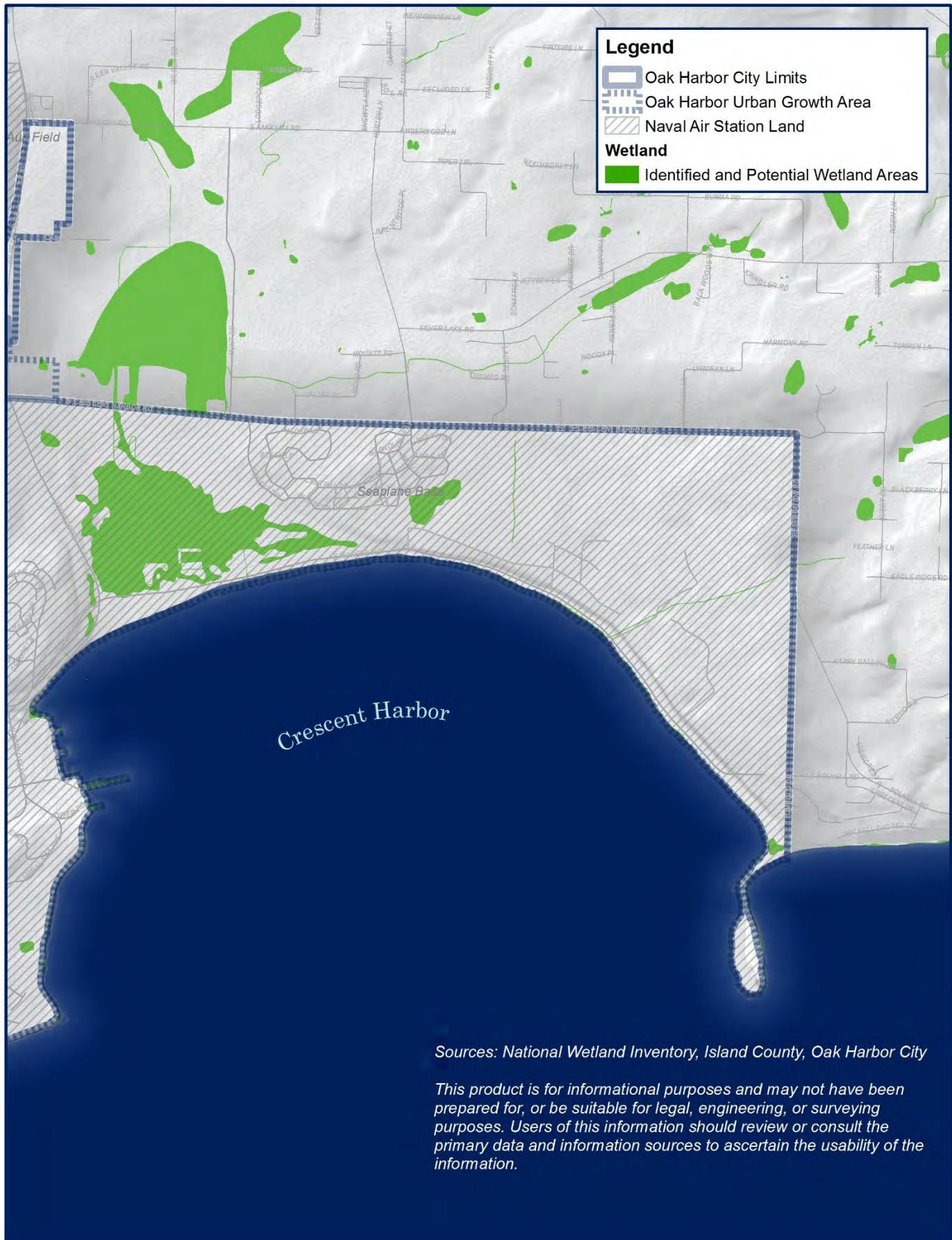
## **Fish and Wildlife Habitat Conservation Areas**





## Wetlands

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## Chapter 12 → Capital Facilities

*A capital facility is a structure, improvement, piece of equipment, or other major asset, including land, that has a useful life of at least 10 years. The Capital Facilities Element links adequate physical infrastructure and facilities with development. In addition the Capital Facilities Element also proposes maintaining or improving existing level-of-service (LOS) standards.*

Oak Harbor's Capital Facilities Element complies with the Washington State Growth Management Act (GMA), RCW 36.70A.070(3) and WAC 365-195-315 (Capital Facilities Requirements) and the Island County, County Wide Planning Policies.

In meeting GMA requirements the Capital Facilities Element includes the following information:

1. An inventory of existing capital facilities owned by public entities, showing the locations and the capacities of public facilities.
2. A forecast of the future needs for such capital facilities.
3. The proposed locations and capacities of expanded or new capital facilities.
4. At least a six-year plan to finance such facilities within projected funding capacities that clearly identifies sources of public money for such purposes.
5. A requirement to reassess the land use element if probable funding falls short of meeting existing needs. This ensures coordination of the Land Use Element and the Capital Facilities Element.

See Technical Appendices, Elements to be Adopted with the Comprehensive Plan, Volume III, for the entire Capital Facilities Element. The following Goals and policies apply to the Capital Facilities Plan Element.

## Goals and Policies

### Goal 1 - Provide adequate capital facilities and services necessary to serve Oak Harbor's existing and future population without causing decreased service levels below adopted LOS standards.

#### Policies:

- I.a. Predict facility needs for the next 20 years based on projections of anticipated population and business growth.
- I.b. Prepare phased plans to identify needed public facilities to support existing and future growth projected in policy I.a.
- I.c. Coordinate with other jurisdictions to establish priorities of county-wide facility improvements, identify services needed to achieve adopted service levels, and protect public health, safety and the environment.
- I.d. Review growth projections and capital facilities plans annually congruent with the City budget process to ensure that the City's ability to provide and maintain adequate public facilities and services is consistent with growth.
- I.e. Phase the development of capital facilities to ensure sufficient lead-time financing, planning, and construction to provide the facilities when needed.
- I.f. Coordinate land use and public works planning activities with an ongoing program of long-range financial planning to conserve fiscal resources.
- I.g. Support and encourage joint development and use of cultural and community facilities among governmental and/or community organizations.

- I.h. Approve development only when the LOS for a capital facility is assured to meet the standards set forth in the Comprehensive Plan. Limited short term reduction in LOS is acceptable when a capital improvement or strategy to accommodate the impacts is made concurrent with development.

*Discussion - When adequate facilities do not exist to serve proposed development and funds have not been allocated to provide such facilities, the City may consider the following alternatives: change LOS standards, modify the land use element, or require the developer to mitigate.*

- I.i. The City will cooperate with private developers to address Capital Improvements financing programs when necessary.

## **Goal 2 - Implement capital facilities projects in accordance with the funding policy priorities of Oak Harbor.**

### **Policies:**

- 2.a. Program and prioritize City capital improvements for consistency with the Comprehensive Plan. The City's capital improvement funding priorities should be:
  1. Urgent projects which cannot reasonably be postponed including, but not limited to, those reconstruction, upgrading or new construction projects which are needed to protect public health, safety and welfare.
  2. Reconstruction, major maintenance or expansion of the City's existing infrastructure in order to provide for service to the existing community.
  3. New projects where the need or demand for service already exists.
  4. Expansion projects in partially developed or developing areas where demand is anticipated as a result of, or in preparation for, future growth.
- 2.b. Evaluate capital projects that are included in the Six-Year Capital Facilities Plan for consistency with the Comprehensive Plan.
- 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.
- 2.d. Locate only compatible public facilities in designated resource lands or critical areas.

- 2.e. Promote high quality design and site planning in the construction of capital facilities.
- 2.f. Encourage citizen involvement in the planning and siting of capital facilities.
- 2.g. Ensure that all City departments review changes to the Capital Facilities Plan and participate in an annual review.

*Discussion - The City should avoid deferring necessary maintenance in favor of new capital projects except for reasons of public safety and other urgent Community needs. Funding programs for specific revenue sources should be linked to priority categories.*

### **Goal 3 - Finance Oak Harbor's needed capital facilities in the most economic, efficient, and equitable manner possible.**

#### Policies:

- 3.a. Ensure that the burden of financing capital improvements is equitably borne by the primary beneficiaries of the facility.
- 3.b. Use general revenue only to fund projects that provide a general benefit to the entire community.
- 3.c. Determine which services or facilities are delivered most cost-effectively by the City and which services should be contracted to private entities.
- 3.d. Where appropriate, use special assessment, revenue and other self-supporting bonds instead of tax-supported general obligation bonds.
- 3.e. Consider adopting impact fees when appropriate to mitigate the short-term fiscal impacts of increased development.

*Discussion - A mitigation fee has been proposed for meeting park level-of-service standards, and a fee may be necessary to address transportation concurrency. The City currently collects system development charges to allocate long-term costs for improving water and sewer systems. (See Utilities Element, Policy 1.i.)*

### **Goal 4 - Provide a full range of cost-effective urban governmental services to residents within the Oak Harbor City boundaries and the Urban Growth Area as annexed.**

#### Policies:

- 4.a. Monitor annually school, fire, police, waste disposal, utilities and other capital facilities to ensure existing and future needs are met.
- 4.b. Require development proposals to be reviewed for available capacity to accommodate development and needed system improvements by the various providers of services, such as school districts, utilities, police and fire departments.
- 4.c. Encourage joint-use of corridors for major utilities, trails, and transportation rights-of-way. (See Utilities Element)



# Chapter 13 → Government Services

*Local governments are charged with the responsibility of providing certain public services and facilities. Often, the quality of such services is an important indicator of quality-of-life in a particular area, and may shape the decisions of employment and residents as to where they choose to locate. The City of Oak Harbor provides police and fire protection, senior, parks and recreation, utilities, streets, and various community development services. In addition, Oak Harbor School District, Skagit Valley College, Sno-Isle Regional Library, Island County, North Whidbey Parks and Recreation District and Island Transit, provide educational, public health, recreational and public transportation services within the City and the unincorporated UGA.*

An important planning consideration is the relationship between the ability of local government to provide public services and the increased demands that growth and development place upon local government. If this relationship is not properly addressed through advanced planning, the demand for services and facilities may exceed available supply resulting in a reduction of service levels and deterioration of infrastructure.

This element explores the public facilities and services provided by the City and other agencies within the planning area, and the potential impact of growth and development. An underlying philosophy of the Comprehensive

Plan is that growth and development should not detrimentally affect the level of public services and facilities that residents, businesses and property owners presently enjoy. For a discussion of required public improvements and

methods of funding, see the Capital Facilities Element technical plan. The reader is referred to the Utilities Element technical plan for a discussion of water, sanitary sewer, storm drainage, solid waste, electricity, natural gas, and telecommunications services. Marina services are addressed in the Comprehensive Park and Recreation Plan.

## Law Enforcement

Law enforcement services within the urban growth area are provided by the Oak Harbor Police Department within City limits, Island County Sheriff's office in unincorporated areas, and the US Navy within the Seaplane Base. In 2016, the Police Department maintained approximately 1.63 non-management law enforcement officers including sergeants, for every 1,000 persons living in the City (non-military lands). This ratio is close to the national average of 1.7 officers per 1,000 population, and the State average of 1.5 officers per 1000.

The department has 38 total employees. This translates into 1.72 employees per 1000 people. It is important that the City maintain an adequate level of police staffing to ensure a safe environment for residents and businesses. The Police Department provides auxiliary response if requested to the Navy Seaplane Base for dependents.

The physical facilities for the Police Department are all located in one building across from City Hall within the Central Business District. The Police Station contains approximately 12,000 square feet of floor area, including 1,250 square feet of jail area. Equipment assets operated by the Police Department includes 23 motor

vehicles broken down as follows: 9 marked, 2 traffic motorcycles, 1 prisoner transport van, 1 drug prevention, 2 administrative, 5 investigative, 1 volunteer/reserve units, 1 animal control truck and 1 armored responsive vehicle.

In addition to law enforcement, the municipal police department is also responsible for providing animal control services throughout the city and contractually on the Navy Seaplane Base.

## Goals and Policies

### **Goal 1 - Maintain and enhance law enforcement services to protect the public health, safety and welfare of Oak Harbor residents.**

Policies:

- I.a. Ensure that existing public safety and emergency service levels are not diminished as a result of urban growth.

*Discussion - At any one time there may be shortfalls when the City would not meet level-of-service standards (LOS), however, over the long-term, the City will meet or exceed standards.*

- I.b. Continue to maintain its law enforcement response time standard of two minutes or less for emergency calls, and five to seven minutes for non-emergency calls.

*Discussion - These service standards are meant to serve as general targets. The City recognizes that circumstances beyond the control of the Police Department may prevent staff from achieving the target on individual cases. Preservation and improvement of this response time as the City grows will require expanded staff levels, equipment and facilities, as well as proper planning, construction and upkeep of City streets and individual developments.*

- I.c. Seek to maintain adequate Police Department staffing.

*Discussion - The preferred method of measuring demand for law enforcement services is the "24-hour unit" concept. This unit of measurement describes the manpower necessary to support a single patrol officer in the field over a 24-hour period. Each 24-hour unit is supported by one investigator and one clerical support position. In order to maintain existing law enforcement service levels the City needs to add one additional 24-hour unit for each 5,000 to 5,500 increase in population. For simple calculation purposes an additional method of evaluating police LOS is used, a ratio*

which compares number of non-management officers per 1,000 population.

- I.d. Require that new development and redevelopment designs incorporate crime prevention and public safety measures, as practicable, to mitigate the need for law enforcement expenditures.

*Discussion - Street designs that ensure proper grades, turning radii, surface width and sight distances contribute to public safety and reduce the occurrence of traffic accidents. Further, development projects can be designed to ensure that inhabitants enjoy relative freedom from burglaries and assaults. By simply enhancing visibility to the general public through outdoor lighting, landscape maintenance and creation of defensible spaces, much can be done to reduce potential crime situations.*

- I.e. Continue to offer neighborhood-based crime prevention programs to help educate local residents and employers about actions they can take to reduce the threat of crime.

*Discussion - Examples of successful crime prevention programs include D.A.R.E., Citizens on Patrol (Volunteers) and the Citizens Academy.*

- I.f. Work cooperatively with the Island County Sheriff's office and other law enforcement agencies to address regional crime prevention issues and cases.
- I.g. Engage in law enforcement programs which protect the City's large percentage of children for their own inexperience and the criminal conduct of others.

*Discussion - Community police programs and cooperative youth intervention programs should be encouraged and developed as the needs of the community change. (also see Youth Services)*

## Fire Protection

The Oak Harbor Fire Department and North Whidbey Fire and Rescue provide fire protection services within the UGA planning area. The Oak Harbor Fire Department provides services in public education, inspections, and fire/medical incident responses. These services are essential to protect lives and property. The department also provides support to Whidbey General Hospital through an agreement to assist with pre-hospital medical care.

The City relies upon a combination of career and paid-on-call personnel, and preventative means, such as strict enforcement of building and fire codes, to protect lives and property. In 2015, the Fire Department employed eleven (11) career, and 30 paid-on-call personnel. Career personnel include an Administrative Assistant, four Firefighter/EMTs, four Captains, a Deputy Chief and a Fire Chief.

Headquarters Station 81 was completed in April, 1992, and is located at 855 E. Whidbey Avenue. The facility includes a 2,800 square foot training structure and is centrally located on a major arterial street. It is anticipated that the City will need a new fire sub-station in the southwest portion of the UGA to serve future growth.

## **Goal 2 - Maintain and enhance fire protection services to safeguard life, property and firefighting personnel.**

- 2.a. Ensure that existing fire protection levels are not diminished as a result of urban growth (See also Urban Growth Area Element).
- 2.b. Maintain a fire protection response time standard of five minutes or less for fire-related incidents, and four minutes or less for medical-related incidents.

*Discussion - This service standard is meant to serve as a general target. The City recognizes that circumstances beyond the control of the Fire Department may prevent staff from achieving the target on individual cases. Preservation and improvement of this response time as the City grows will require expanded staff levels, apparatus, equipment and facilities, as well as proper planning, construction and upkeep of City streets and individual developments (See Capital Facilities Element for capital project requirements).*

- 2.c. Maintain minimum fire flow standards in conjunction with building and fire codes to protect life and property.

*Discussion - Developers may be required to install appropriate public and/or private improvements for fire safety based on potential risk to life and property. For annexation policies, see Urban Growth Area Element, Goal 4.*

- 2.d. Maintain adequate fire protection staffing in order to meet its LOS standards.

*Discussion - Career positions will continue to provide Fire Department administration, training, fire prevention and education, code enforcement services, planning, and fire investigations. Paid-on-call personnel will remain the primary force for fire suppression and response to medical incidents. In order to continue with this structure, it will be necessary to maintain a ratio of firefighters to population, and career personnel to firefighters,*

*which will enable the City to continue providing all of the essential functions described above. This plan recognizes that such ratios may change over time, however, the current level-of-service is a general bench-mark:*

Fire Department Officers  
0.223 per 1,000 population

Support Staff  
0.045 per 1,000 population

Firefighters (paid-on-call and career)  
1.519 per 1,000 population

Training Staff (paid-on-call)  
0.024 per paid-on-call

- 2.e. Maintain or improve the City's Survey and Rating Bureau rating.

*Discussion - The City was reviewed by the Washington Survey and Rating Bureau in 2013, and rated a Class 4 on a scale from one to ten. Some insurance companies use this rating to assist in establishing premium costs for property owners. The rating is based on a number of factors, including personnel, facilities, training, existing fire hazard conditions, City policy toward fire protection, water system for fire flow, emergency communications, and the Fire Department in general, among other things.*

- 2.f. Adopt and implement zoning, subdivision codes and other regulations that address the relationship between development design and protection of property against fire hazards.

*Discussion - Subdivision and site design regulations must consider the relationship between fire protection, street design and layout. Zoning regulations must compliment fire protection regulations.*

- 2.g. Maintain routine inspection programs to enforce building and fire codes.

*Discussion - The intent of these programs is to maintain compliance with the code requirements and thereby reducing risk from fire and other catastrophic events.*

- 2.h. Work cooperatively with adjacent fire protection agencies to coordinate fire delivery service within the Urban Growth Area.
- 2.i. Continue to educate residents and business owners on fire safety and prevention.
- 2.j. Require proposed annexations provide, when requested by the Fire Department, a Fire Response Time Analysis to ensure that the City's response time can be maintained.
- 2.k. Consider establishing a fire service impact fee in order to ensure that capital facilities can be provided to maintain the adopted level of service as the community grows, and should also consider a variety of financing mechanisms in combination with non-capital alternatives.

*Discussion - Financing mechanisms to ensure adequate capital facilities to provide fire services include, but are not limited to, impact fees and service or user charges and dedication of land for facilities in lieu of impact fees. Non-capital alternatives can include private installation of infrastructure, sprinkler systems or interlocal agreements. Other options may include intersection and roadway improvements to maintain response times.*

## Emergency Management

"Emergency management is an umbrella system of planning and preparing for emergencies that are larger than can be handled on a routine basis by law enforcement and fire service first responders... Disaster research reveals that communities which are not prepared and which do not have viable emergency management plans, generated through an interagency planning process, will experience greater difficulty managing resources, delays and misunderstandings during response actions... It is a high probability that these difficulties increase threats to life safety; cause higher, more costly property damage; and lead to more serious degradation of the environment."  
*(Growth Management Applications to Emergency Services, Department of Community Trade, and Economic Development, 1994).*

The Fire Department is responsible for updating the Emergency Management Plan for Oak Harbor. In particular, the following potential hazards were identified by the community during the Comprehensive Plan update: *earthquakes, wind storm damage, aircraft accidents, bridge and utility failure, and hazardous materials releases and spills.* The purpose of the emergency management plan is to describe the roles and responsibilities each part of the community will play in responding to the above emergencies.

## **Goal 3 - Prepare for natural disasters and other emergencies which may require extraordinary response measures.**

### **Policies:**

- 3.a. Cooperate with other responsible agencies to update and maintain a current Emergency Management Plan.

*Discussion - The Fire Department is responsible for maintaining the Emergency Management Plan for Oak Harbor. Such a plan should include an assessment of hazards, identification of responses and facilities, equipment, training, exercises to test effectiveness, public education, and appropriate mitigation to avoid hazards.*

- 3.b. Ensure that Enhanced 911 and all other emergency communications plans are consistent with planned future growth.
- 3.c. Avoid building critical public facilities, such as hospitals, schools and electric transmission lines, in areas likely to experience severe seismic effects, flooding, hazardous material releases or intense fire.
- 3.d. Maintain current information on land use, transportation, utility and communications systems to assist in emergency planning.

## **Educational Services and Facilities**

### **Private Primary and Secondary Schools Colleges**

Skagit Valley College operates a full-service campus in Oak Harbor on 2.5 acres of the Navy Seaplane Base at the east end of Pioneer Way. The campus serves about 1,250 students per quarter and is comprised of 4 buildings totaling 114,025 square feet which hold 19 instructional spaces including general classrooms, basic science, nursing and computer labs, and fitness facilities. Skagit Valley College degrees include a Bachelor of Applied Science in Environmental Conservation, six Associate of Arts degrees, one Associate in Science degree, 19 Associate of Technical Arts degrees, and many certificate programs including an Oak Harbor-based Practical Nursing certificate. Various undergraduate and graduate degrees are offered to the general public by a branch of Chapman University, which is located on the Navy Seaplane Base. Embry-Riddle Aeronautical University at NAS Whidbey Resident Center offers both Associate and Baccalaureate degrees in aviation-related fields.

### ***Oak Harbor Public Library***

The Oak Harbor Library is a branch of Sno-Isle Libraries, a two-county library system serving Island and Snohomish counties. The City of Oak Harbor annexed to the Sno-Isle library district through voter approval in 1981, allowing residents to pay for library services directly through their property taxes. The library facility, including all major furnishing and shelving, remains the responsibility of the City, in agreement with the library district. The Oak Harbor Library is currently located in the east end of Hayes Hall on the Whidbey Island Campus of Skagit Valley College (SVC). Completed in 1993, Hayes Hall is jointly owned and maintained by SVC and the City of

Oak Harbor, although the City is responsible for all elements related to the public library. The City's share of the building is estimated at approximately 12,000 sq. ft., or 43%. The boundaries of the Oak Harbor Library service area correspond with those of the Oak Harbor School District and include the City of Oak Harbor and the unincorporated North Whidbey area. According to the U.S census, the 2010 population of the area was 37,813. Island County Planning and Community Development projections show the population North Whidbey area increasing to 42,989 by the year 2036.

The current library meets the informational and recreational needs of community members and supports early literacy and school readiness. It serves as a resource for teachers and students in public and private schools from preschool through college. Economic development and local business needs are met through information services, access to online data and entrepreneur/small business support. The library offers many services and resources to families, children and caregivers, teens, adults and seniors including reference and information, programming, access to digital and physical collections and interlibrary loan. Library services include, but are not limited to:

- Story times and events for babies, toddlers, preschoolers and caregivers to promote reading and early literacy
- Programs and outreach for school aged children to promote academic success
- Homework assistance
- Access to online electronic databases via the library website
- Books, eBooks, digital materials, DVD's, CD's, magazines and other materials for checkout
- Library Online Catalog access to 1.5 million titles plus digital resources
- Internet access (including filtered access for children)

- Free eBook, audiobook, movie and music downloads
- Free classes and one-on-one computer help for adults
- Wi-Fi access throughout library and lobby areas
- Professional, friendly, well-trained staff
- Express check out and holds pick up
- Reference and information services during all open hours
- Online reference services accessible 24/7
- Outreach services to the homebound individuals, retirement facilities and local daycares
- Open seven days per week

In 2013, the library circulated more than 400,000 items, not including digital titles. The library shares a collection of more than 1.5 million items. In 2013, out of a total of 433,182 Sno-Isle Libraries customers, 28,271 were registered at the Oak Harbor Library. The use of digital resources by library customers is significant and increasing. In 2013 Sno-Isle Libraries customers accessed the library web site nearly 47 million times to access online data and download digital materials.

Usage statistics gathered by the Sno-Isle Libraries for the Oak Harbor Library indicate that 46% of borrowers are residents of the City of Oak Harbor and the remaining 54% live outside the city limits. It is advisable to use population projection estimates for both the city of Oak Harbor and unincorporated North Whidbey when planning a library facility to serve Oak Harbor Library patrons. A potential source of funding for expanded library facilities is legislation signed into law in 1995 and codified in RCW 27.15 which allows the formation of library capital facility areas in the state of Washington. A library capital facility area is an independent taxing unit formed within the boundaries of an existing rural county library district. Funds approved by voters can be used to finance a new library or remodel an existing library or building.

## **Goal 4 - Encourage and promote public and private institutions dedicated to the pursuit of education.**

### **Policies:**

- 4.a. Coordinate with Oak Harbor School District, Skagit Valley College and other educational institutions in preparing long-range plans, development regulations and capital projects.
- 4.b. Coordinate with the Oak Harbor School District, Skagit Valley College and other public entities for joint use, including maintenance, of facilities for public use.
- 4.c. Continue to include the Oak Harbor School District in the City's development review process and advise the administration of all municipal activities that may affect the District.
- 4.d. Coordinate its economic diversification plans with Skagit Valley College and other educational institutions and support reasonable plans for campus expansion (See also, Economic Development and Land Use elements).
- 4.e. Work cooperatively with the Oak Harbor School District, Skagit Valley College and Oak Harbor Public Library to share information and resources.
- 4.f. The Library Board is responsible for advising City Council on all matters related to the Oak Harbor Public Library.
- 4.g. The City and Sno-Isle Regional Library should continue to implement library expansion and improvements to advance customer service, information technology and operational efficiency.

Educational services and facilities are principal contributors to a community's quality-of-life. Often the level and quality of such services

become key factors in where families and businesses choose to locate. Elementary schools are an integral part of neighborhoods in which they are located. Middle schools, high schools and other district facilities host a range of community-based events from concerts to trade shows. District and school events bring visitors and revenue into the City. School athletic fields and facilities serve and support community-based programs for children, youth and adults. Libraries and museums symbolize the community's regard for the past and interest in the future. The availability of higher education in either vocational or academic fields is an important determinate in where industries choose to locate.

Usually the agencies responsible for providing the educational services conduct their own long-range planning programs that anticipate future demands on staffing and capital facilities. However, the City has an interest in assuring that its activities recognize and support the ability of these organizations to provide their services. In fact, a partnership between educational services and the City is already well-established. The City leases school district property for parks and athletic fields, the City shares technology infrastructure with Oak Harbor Public Schools and the City contracts with the school district for technology support services. Through the joint pursuit of grant opportunities and shared advocacy at the state and federal level, the City can be an active partner in advancing the success of educational services yielding broad benefits to the Oak Harbor community.

The information presented in this section was prepared by the Oak Harbor Public Schools in 2016 to assist the City in understanding the challenges facing the School District in the years to come.

### **Oak Harbor Public Schools**

The Oak Harbor community is served by Oak Harbor Public Schools. In 2016, the district operated one high school, two grade 6-8 middle

schools, five grade K-5 elementary schools, and an early learning center and K-12 parent-partnership school (on one site). The district serves over 5,650 students that live both within and outside the Oak Harbor Urban Growth Area Boundary. About half of the students in Oak Harbor Schools are Navy-connected and 92.5% of the dependents connected with Naval Air Station Whidbey Island (NASWI) attend Oak Harbor Schools with only 7.5% attending neighboring districts. Oak Harbor Public Schools is also the second largest employer on Whidbey Island. The strong Navy presence in the schools, due to NASWI, drives the community's and Oak Harbor Public Schools' goal to support the military and ensure its children, military and civilian, receive a high quality education.

By October 2016, a new P-8 Poseidon squadron (VP-4) will have relocated from Hawaii to Whidbey Island. The full squadron will eventually include nearly 300 personnel and is expected to bring about 100 new students to Oak Harbor Schools. Two additional P-8 squadrons will arrive subsequently between 2017 and 2018. Depending on the results of an Environmental Impact Statement, NASWI may

also be home to additional squadrons or expansion of current squadrons of E-18A Growlers. The full integration is expected to occur by 2020, and will substantially increase military personnel. Official NASWI estimates conclude that the military population in Oak Harbor will increase from about 7,000 to as many as 9,000 personnel. This could mean an approximately 30% increase in personnel over 4 years. This estimate does not account for dependents who will travel with Navy personnel.

As shown in the chart below, current models used by Oak Harbor Schools predict a conservative enrollment increase of nearly 750 Navy-connected students by 2020.<sup>20</sup> Department of Defense (DoD) studies predict .65 dependent children (K-12) per active duty personnel. However, based on historical data, the district's projections are based on a conservative .4 dependent children per active duty personnel. This formula suggests the district should prepare for an increase of up to 15% in district enrollment. However, in FY2022 VQ-1 is slated for disestablishment and a drop of about 250 students is expected. Nevertheless, after the drop, the district expects to have about 500

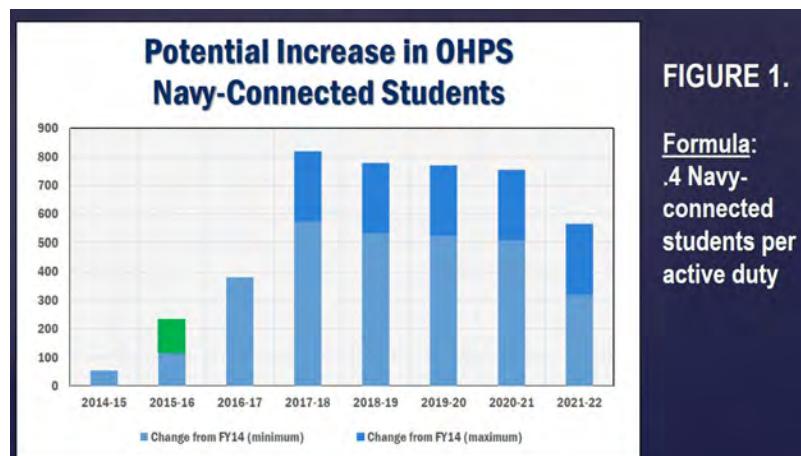


FIGURE 1.

Formula:  
.4 Navy-connected students per active duty

<sup>20</sup> Projections for the increased numbers of students, based on planned expansions at NASWI, were compiled by Oak Harbor Public Schools staff.

more Navy-connected students than today. It is important to note that the projections for military students do not account for increases in Oak Harbor's civilian student numbers, which have steadily risen for the past three years. Navy-connected students increased by over 180 students in the fall of 2015 with 160 of those students at the elementary level. Civilian growth is anticipated at about 50 students per year, which could result in up to 300 more civilian students by 2021-22. This would leave the district with a sustained enrollment of 750 more students than today, even after the drop in FY2022.

In addition to incoming students, Oak Harbor Schools faces facility challenges from state-mandated reductions in class sizes. In November 2014, Washington State voters passed Initiative 1351, the "Washington Class Size Reduction Measure." This initiative mandates a reduction in class sizes across Washington such that no classroom will have more than seventeen (17) students.<sup>21</sup> While the initiative was suspended, lowered K-3 class size caps were implemented statewide under the McCleary Decision with calculated averages dropping to near seventeen by fall 2018. Because of incoming students, it will be impossible for the district to achieve class sizes of seventeen without additional classroom spaces. All elementary schools in Oak Harbor are already operating at or above maximum capacity. In fact, at one school in the fall of 2016 music had to be taught on a cart and remedial classes were taught in the hallways. Without significantly expanded facilities, Oak Harbor Schools could break the state class size mandate, negatively impacting state funding.

Oak Harbor Public Schools has already been required to accommodate all-day kindergarten for all kindergarten students. This demanded an additional five classrooms fall 2015. It also

coincided with an unexpected surge in elementary enrollment. Elementary enrollment grew by 160 students in fall 2015, 100 more than projected. This required five more classrooms than planned. Between enrollment growth, class size reduction and full-day kindergarten, the district had to find thirteen (13) additional classrooms in fall 2015 and this was prior to any growth related to the Navy. This space was created by eliminating computer labs, adding portables and consolidating other programs all at district expense. Between 2014 and 2016, the district spent nearly \$2.5 million on portable classrooms, facility modifications and new furniture and equipment to accommodate additional students and classroom demands. This reduced the district fund balance to minimum levels leaving no dedicated funding source for any future growth.

The district had considered whether or not new attendance boundaries would mitigate the space issues. However, since all of its elementary schools were full, new boundaries would not have alleviated its space issues. In fact, elementary school enrollment is both higher and the most balanced it has been with over 500 students in each school. Despite the space issues, the district reports that it was still able to honor over 80% of parent school-to-school transfer requests. In many cases parent requests helped the district achieve this balance. Depending on the solutions used to create additional space, boundaries may be a consideration, but they are not part of the solution at this time. At both middle schools, there is still physical space for new middle school students. Therefore, there is no need for new boundaries at the middle school level at this time. Alternative uses for this space are discussed later.

The district does have an elementary school facility (Clover Valley) that was closed in

<sup>21</sup>

[http://sos.wa.gov/\\_assets/elections/initiatives/FinalText\\_578.pdf](http://sos.wa.gov/_assets/elections/initiatives/FinalText_578.pdf)

2007 due to declining enrollment. However, in 2008 it was reopened and served as the “North Campus” for the high school during construction and since 2010 has served two growing district programs. In fact, the school now serves over 400 school district students. It is home to Hand-in-Hand Early Learning Center, which includes the district’s developmental (special education) preschool, Title I Preschool and Head Start programs, and HomeConnection, a K-12 public school that enrolls part-time homeschool students in public school classes. The students in both of these programs are school district students and the district receives state and federal funding to serve them. The school has a principal, secretaries, certificated teachers, para-educators, custodians, a school lunch program, library, gym and more that currently are using the facility to full capacity. The school is actually on the verge of needing additional space as well.

Washington State initiated a grant program in fall 2015 to fund capital construction to provide spaces for full-day K and to meet new K-3 class size reduction targets. The district expended significant resources to apply for funds through this grant. However, due to high statewide demand for these funds, only a handful of projects were funded. Oak Harbor’s request was not among the approved projects. The district may reapply in subsequent years if this program is continued. However, even if its grant request is approved, the district will be required to secure matching funds of up to \$2 million to access up to the maximum \$4 million possible through the grant. Without help from an outside source (most likely the federal government), securing the state grant would require the district to borrow the matching funds through a limited general obligation bond (LGO). This type of financing is typically unadvisable without a dedicated funding source to service the debts. Without a dedicated funding source, the district would be required to make budget cuts in order to make annual payments on the loans. This could negatively

affect services and support for students given the district’s existing budget constraints. The total of \$6 million, including match and state funds, would fall far short of the funds needed to meet the district’s space demands, let alone construct a new elementary school. The current new construction cost for a typical elementary school is approximately \$25 million. It is important to note that state class-size grant funds cannot be used for portables. That means the only options the district may consider include modular construction on existing district property, expansion of existing sites through traditional or modular construction and/or the purchase and modernization of an existing facility not currently owned by the district.

Without state and federal funding, the district has been forced to come up with a viable cost-effective stop-gap solution to provide facilities and classroom space relief at the elementary school level. The district is already using twenty (20) portable classrooms to serve elementary students and this number will increase to twenty-eight (28) by fall 2016. By fall 2016, average enrollment at elementary schools is expected to be nearly 600 students, far exceeding the designed facility capacity at each school. The district has some classroom space available at the two middle schools. As a result, in winter 2015 the district conducted a facilities review process to determine how best to use this capacity to provide relief at the elementary level. After gathering parent, staff and community input and holding public hearings, the Oak Harbor School Board decided to reorganize the district’s grades K-8 into five K-4 elementary schools, one 5-6 intermediate school and one 7-8 middle school beginning in fall 2017. The reorganization will result in the intermediate school and middle school sites eventually serving over 900 students in each. While this will provide temporary space relief in the elementary schools and capacity for growth, the two buildings were designed for less than 750 students. Consequently, facility

modifications and the addition of portables will be necessary at both of the current middle school sites. Meeting these needs will impact the district's operating budget since no other funding source is available. Facility modifications are expected to cost about \$300,000 and the additional portables (12 classrooms) will cost between \$700,000 and \$1.6 million, depending on whether or not the district purchases or leases the portables. While many students will be displaced through the reorganization, it should provide the additional capacity needed at the elementary level to absorb additional the students anticipated.

By the 2019-20 school year, the district is expected to have 40 portable classrooms serving students in grades K-8. Portables may be cheaper than permanent facilities initially, but continuing with this strategy will likely cost the district more money in the long run. The average acceptable life of a portable unit is approximately ten years. Across Washington, it is uncommon for portables to be replaced at

this rate. Instead, they are generally replaced every twenty (20) years or more, creating high maintenance costs. Portables are also generally viewed as less preferential learning spaces when compared with permanent construction. The current price for a two classroom portable including installation is \$250,000 plus \$50,000 for furniture, equipment and curriculum. These costs do not include water or bathrooms to the portables, which are features that can increase costs by about \$50,000 per unit. It is clear that the district will eventually need a long-term permanent facilities solution.

The required number of portable classrooms has been somewhat difficult to fit onto Oak Harbor Public Schools' existing property. With at least twenty-eight (28) portable classrooms on elementary sites by the end of the 2015-16 school year, the physical capacity for additional portables is nearing site maximums. Whenever new portable classrooms are added, playground space is compromised. Furthermore, since gym and lunchroom space are already filled to

PROJECT	SQ. FTG.	CCA	%	ESTIMATE
ANY K-8 NEW SQUARE FOOTAGE FOR <b>UNHOUSED STUDENTS (NEGATIVE NUMBER INDICATES OVERHOUSED)</b>	(67,363)	\$200.40	60.19%	\$0
ANY K-8 <b>MODERNIZATION OR REPLACEMENT (NEW-IN-LIEU)</b> <b>(NEGATIVE NUMBER INDICATES NO ELIGIBILITY)</b>	65,656	\$200.40	60.19%	\$7,919,477
ANY 9-12 NEW SQUARE FOOTAGE FOR <b>UNHOUSED STUDENTS (NEGATIVE NUMBER INDICATES OVERHOUSED)</b>	(36)	\$200.40	60.19%	\$0
ANY 9-12 <b>MODERNIZATION OR REPLACEMENT (NEW-IN-LIEU)</b> <b>(NEGATIVE NUMBER INDICATES NO ELIGIBILITY)</b>	38,662	\$200.40	60.19%	\$4,663,440

Notes:

- 1 ESTIMATES SHOWN HERE ARE CONSTRUCTION COSTS. OTHER COMPONENTS ARE ELIGIBLE FOR STATE ASSISTANCE.
- 2 DOES NOT INCLUDE CURRENT CLASSROOM/HANDICAPPED STUDENT COUNTS.
- 3 CCA: CONSTRUCTION COST ALLOWANCE FOR JULY 2014 RELEASE OF FUNDS.
- 4 %: FUNDING ASSISTANCE PERCENTAGE FOR 2014 FOR OAK HARBOR SCHOOL DISTRICT NO. 201

capacity alternative locations and plans to serve students must be developed. Ensuring adequate restrooms access is an additional concern and would increase costs if sewer and water lines needed to be added to the portables. Finally, there is virtually no resale value on portable classrooms, so any monies directed toward them are sunk costs.

Permanent construction is the preferable solution for space issues. In 2009, an OSPI-supported “study and survey” of district facilities recommended the replacement of Oak Harbor Elementary south buildings due to their condition and high costs for modernization. However, that project has not been initiated due to a lack of available funds. Table I details estimated state aid for construction projects. The estimate comes from the Office of the Northwest Regional Coordinator for the Office of Superintendent of Public Instruction. Oak Harbor Public Schools would prefer to build 65,656 square feet of permanent facilities (through brick and mortar or modular construction). It is important to note that these numbers were calculated prior to the recent influx of additional students and fails to take into account expected new Navy students. Permanent construction would avoid maintenance costs from installing portable classrooms for several hundred incoming students. Additionally, permanent facilities would bolster Oak Harbor Public Schools’ ability to accommodate future surges in students. This means that over the life of the expansion, permanent facilities will save money on housing students. While state funding is available for construction, the match requirements are significant and would require a federal funding source to cover the match since the district’s bond rate is already at a high level due to the 2007-09 construction of a new stadium, career & technical education facility and high school modernization and expansion. The bonds for these projects will not be paid off until 2023.

Oak Harbor Public Schools is the local education agency serving students in the greater Oak Harbor community. It is inexorably tied to NASWI. This is a point of pride to the community, the students and their families, many of whom are connected to the Navy. As personnel and operations expand at NASWI, so too does the need for facilities at Oak Harbor Public Schools. The District currently experiences space constraints that will be exacerbated by a significant influx of students, most of whom will be Navy dependents. To continue providing a high quality education to all of the students of Oak Harbor Public Schools, civilian and military, Oak Harbor School District, NASWI, the City of Oak Harbor and Island County must maintain a strong relationship and pursue policies to address the issue of growth. This must include finding a solution to current facilities constraints. The Oak Harbor community and school district have consistently demonstrated support, both financially and morally. The local community should continue to seek assistance with this challenging situation from the federal government.

Regarding a levy increase, with a projected nearly 20% increase in student enrollment since the last levy, a corresponding levy increase is already necessary just to maintain current student programs and services. This is likely to be the maximum amount feasible for Oak Harbor citizens at this time. Such an increase will only maintain current programs and not provide additional funding for permanent facilities or other expansion. Oak Harbor residents already pay a higher rate per \$1000 of assessed value for schools (as compared with neighboring districts) to make up for lost local funds due to the presence of NASWI. Non-taxable federally-owned property constitutes more than half of the assessed value in the district. Federal Impact Aid is intended to offset this impact, but it only makes up for less than half of this lost revenue and has significantly diminished over the past eight years. In fact,

Impact Aid for Oak Harbor was 50% higher in 2008 with fewer federally-connected students in the district. This has left the district far below neighboring districts in dollars per student from these funding sources.

Finally, concerns about long-term involvement are reduced because construction funding would actually directly benefit the Navy, its personnel and families. The extra space requirements are caused by a surge in both personnel and their children. Whenever new squadrons are introduced, staffing increases at NASWI. By creating additional classroom spaces, Oak Harbor Schools will be able to more easily accommodate new students regardless of future Navy contributions.

While the district has a stop-gap plan in place to address its immediate facility and space issues, it is clear that a more permanent solution will be required. Forty (40) portables housing students is not sustainable in the long-term. However, a long-term facility solution for Oak Harbor Schools will require a combination of federal, state and local support and funding. The district has adequate land available for construction of additional and/or expanded school facilities. Some of this property has already been zoned for school construction. Moving forward, it is clear that funding for additional facilities is the primary barrier for the district.

## Senior Services

Oak Harbor Senior Services serves a fast growing population of citizens of Oak Harbor and North Whidbey Island who are age 50 and over. Senior Services is dedicated to improving quality of life, fostering community partnerships, responding to diverse needs and interests, enhancing dignity, supporting independence and encouraging local older adults to be involved in the community.

The City's Senior Services operates an 8,000 square foot facility (or center) which is home to a variety of programs, activities and events geared towards meeting the needs of the community's seniors. Many of the programs are offered by other entities, who utilize the center's space to meet with clients. The center currently has approximately 950 members and is operated by three paid staff and over 50 volunteers. Funding for its operation comes from a variety of sources, including Island County, the City, grants, private donations and staff-led fund raising efforts.



## **Goal 5 - Continue to provide our senior residents with recreational, social, educational, and health maintenance services specifically designed to meet their current and emerging needs.**

### **Policies:**

- 5.a. The City should identify barriers to service access and define emerging needs of this group while updating planning strategies as needed.
- 5.b. The City should expand the senior center as use increases and unmet needs are identified.
- 5.c. Establish an interlocal Agreement with Island County to assure that the Senior Center remains capable of providing its services and adequate staffing is maintained.

## **Public Involvement**

Local government is a democratic institution governed by elected representatives. As such, its policies, actions, and decisions should reflect the majority view of its constituency, tempered by the parameters of the state and national constitutions. Further, local government must ensure that its constituency is informed about the implications of its activities so that people can effectively express their opinions. This is particularly important in the establishment of policies affecting community growth and development.

The growth in technology and communication devices has increased the venues for distribution of information as well as gathering input. The City has been using the web and social media as avenues for citizen engagement. For younger generations, social media has become the default means of interacting with organizations and individuals. Also for busy professions, especially those with families, participating in civic issues through more traditional public engagement tools, such as public hearings or open houses, is impractical. By using internet and social media, the city can make participation easier, more convenient, and consistent with the expectations of our citizens.

However, there are still a large demographic in the community that is familiar with the traditional public engagement approaches that were effective before the current technology boom. The City should continue to offer these avenues of public participation as a default and enhance them with the more modern technology avenues where feasible.

## **Local Boards, Commissions and Advisory Committees**

The City of Oak Harbor maintains several special purpose boards with varying powers to advise and act in matters affecting public

services and development. These include the Civil Service Commission, the Library Board, Park Board, Senior Advisory Board, Community Police Advisory Board, Marina Advisory Committee, Arts Commission, and Planning Commission. Of these, the Planning Commission has the most responsibility for addressing growth and development issues.

In addition to formally adopted boards and commissions, the City has, from time to time, established ad-hoc citizens committees to accomplish a specific task. This approach increases public exposure and involvement in municipal activities, providing greater assurances that new policies are consistent with the interests of the general citizenry.

### **Inter-governmental Relations**

From the City's perspective, it is desirable to understand the role and intentions of each level of government and to establish policies that guide its approach to inter-governmental relationships affecting the community's growth and development. Oak Harbor coordinates its development review and planning activities with other governmental agencies and service providers. In particular, the establishment of an Urban Growth Area boundary and supportive interlocal agreement with Island County is an integral part of the Comprehensive Plan (See Urban Growth Area Element).

### **Goal 6 - Encourage early and continuous public involvement in the planning process and ensure coordination between the City and other jurisdictions to advance community Goals.**

Policies:

- 6.a. Design a process that involves early citizen input and review for city plans, policies and regulations..
- 6.b. Strive to provide timely information to the citizens on public meeting and discussions using traditional methods of notification along with web and social media postings.
- 6.c. For large scale and complex projects, create and disseminate a public involvement plan designed to encourage early and continuous public involvement.
- 6.d. Seek to maintain diverse public involvement, and expeditiously appoint new advisory board and commission members as vacancies occur.

*Discussion - Consideration should be given to announcing vacancies in the local newspaper as a means of encouraging community interest.*

- 6.e. Strive to create diversity in advisory groups and commissions to provide a broad spectrum of experience, knowledge and insights regarding city matters
- 6.f. Provide timely and effective public notification of land use actions.
- 6.g. Coordinate with other public agencies to promote city goals and further adopted statewide and countywide goals and policies.

## Permitting

Various City departments are responsible for issuing permits and licenses. Some permits, such as major land use approvals, require authorization by the City Council, after recommendations by the Planning Commission, while other approvals, such as short subdivision plats and building permits, are administered by City staff. The City recognizes that fair and efficient processing of permits is in the interest of property owners, private businesses, and the City Administration.

### Goal 7 - Process land use and development permits in a fair and timely manner, with City decisions based upon clear and objective standards to ensure predictability.

#### Policies:

- 7.a. Combine review and notification procedures for multiple permits, whenever possible, to eliminate unnecessary delay in review of development applications.

*Discussion - This policy is intended to improve communications between City departments and applicants in an effort to concurrently process multiple permits and prevent unnecessary delays, possibly through pre-submittal discussion. The policy is not intended to reduce public participation or limit statutory review procedures, such as notification requirements.*

- 7.b. Consider streamlining procedures under the State Environmental Policy Act and Shoreline Management Act, as such programs may be developed by the State of Washington.

- 7.c. Process development applications within the legal time frames established by state law.

*Discussion - In the event of a heavy work load, the Planning Commission may consider auxiliary meetings or workshops to address planning and development problems.*

- 7.d. Consider establishing a fee structure for development permits which is graduated to reflect demands on staff time.

*Discussion - For example, larger, more complex projects require more time for review by City staff than smaller projects which presently fall under the same classification and fee. Further, it may be in the city's best interest to obtain a special fee for projects requiring outside consultant review and technical support.*

## Property Rights

### **Goal 8 - Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions. (Also see the United States Constitution, 5th Amendment)**

#### Policies:

*Discussion - In addition to the following policies, the City of Oak Harbor will abide by the State of Washington Attorney General's recommended process for evaluation of proposed regulatory or administrative actions to avoid Unconstitutional Takings of Private Property, 1993.*

- 8.a. Preserve the rights of property owners, operating under current land use regulations, unless a public health, safety or welfare purpose is served by more restrictive regulation.

- 8.b. Proposed regulatory or administrative actions shall not result in an unconstitutional taking of private property without just compensation.
- 8.c. The City shall not exceed its valid authority as granted to it under police powers or by any other grant of power.



# 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 surplusing 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. Rainier, 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.

## Chapter 15 → Related Documents

### Comprehensive Plan Non-Project Environmental Impact Statement

A non-project environmental impact statement (EIS) was prepared during the drafting of the first GMA comprehensive plan (1995). This EIS evaluated five alternatives for addressing growth in Oak Harbor. Each of the alternatives analyzed issues previously discussed above such as housing, employment and the environment. Throughout this analysis the presence of NAS Whidbey played a critical role in planning for the future of Oak Harbor. For instance, noise and safety issues resulting from aircraft operating from Ault Field are addressed in the Comprehensive Plan through the designation of uses compatible with the Accident Potential Zones (APZ's) and noise sensitivity areas (DNL or Ldn contours) established by the Navy. In addition, it is projected that NAS Whidbey will provide 500 additional residential units to serve military families over the next 20 years, including the necessary roads and utilities, and has joint agreements with Oak Harbor on sewer treatment and potable water.

### Oak Harbor Municipal Code Chapter 6.90, Noise Disclosure Requirement

Requires that any person selling, leasing or offering for sale any property within the noise contours of 60Ldn or above must give notice to the prospective buyer or lessee of the fact that property is in an area impacted by noise.

### Oak Harbor Municipal Code Chapter 17.30, Noise Attenuation Standards

Safeguarding 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 Island Air Station and Ault Field, to ensure compatibility between the air station and surrounding land uses, and to protect the air station from incompatible encroachment.

### Shoreline Master Program

The City of Oak Harbor Shoreline Master Program contains an *applicability to federal agencies* section. Direct federal agency actions and projects occurring on lands subject to the Washington State Shoreline Management Act and within the City's shoreline jurisdiction shall comply with WAC 173-27-060 (as filed on 9/30/96, effective 10/31/96).

## **Oak Harbor Municipal Code**

### **Chapter 19.50, Aviation Environ**

#### **Overlay Zone**

This chapter serves as an overlay district that applies additional standards and requirements to properties located within an underlying zoning district. It also shares the same purpose statement of OHMC 17.30, Noise Attenuation Standards. The two subdistricts of this chapter (Noise Zone A and B) determine which of the noise attenuation standards from OHMC 17.30 apply to a given project.



Oak Harbor Comprehensive Plan → 200



Oak Harbor City Council  
Regular Meeting Minutes  
May 2, 2023

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**This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at [www.youtube.com/cityofoakharbor](http://www.youtube.com/cityofoakharbor), on Facebook, and on Cable Channel 10/HD 1090 following the meeting**

**CALL TO ORDER**

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

**Invocation** – Reverend Greg Steible, Whidbey Presbyterian Church

**Pledge of Allegiance** – Led by Mayor Severns

**ROLL CALL**

**City Council Present:**

Mayor Robert Severns  
Mayor Pro Tem Tara Hizon  
Councilmember Beth Munns  
Councilmember Jim Woessner  
Councilmember Bryan Stucky  
Councilmember Shane Hoffmire  
Councilmember Eric Marshall

**Staff Present/Videoconference**

City Administrator Blaine Oborn  
Finance Director David Goldman  
Public Works Director Steve Schuller  
Senior Services Administrator Liz Lange  
Fire Chief Ray Merrill  
Police Chief Kevin Dresker  
City Engineer Alex Warner  
Harbormaster Chris Sublet  
Central Services Supervisor Sandra Place  
Finance & Performance Analyst Chas Webster  
Communications & IT Manager Sabrina Combs  
Executive Assistant Macalle Finkle  
City Clerk Julie Nester

Also in attendance: City Attorney  
Hillary J. Evans of Kenyon Disend, PLLC

**EXCUSE ABSENT COUNCILMEMBERS**

Mayor Severns welcomed all in attendance and noted all members of the Council were present.

**1. APPROVAL OF AGENDA**

Mayor Severns called for any changes to the agenda. Hearing none, the agenda was approved as presented.

**2. PRESENTATIONS**

a. Proclamations – None

- b. Honors & Recognitions - None
- c. Community Presentations – None

### **3. CITIZEN COMMENT PERIOD**

Mayor Severns noted citizens may comment on Consent Agenda items or subjects of interest not listed on the agenda at this time and that citizens would have the opportunity to comment on the remaining Agenda items during the meeting as appropriate.

Citizens can also visit the City's website prior to meetings for methods to submit public comment, or contact the City Clerk, Julie Nester by phone or email. When submitting comments, please include your name and address. Public comments sent anonymously will be shared with the Mayor and Council but will not be displayed.

The City received two on-line public comment from Steve Adams, business owner, and Paul Girouard, of Oak Harbor, regarding concerns over an encampment near Home Depot.

Mayor Severns opened the floor for public comment from any other audience member present.

1. Fannie Dean, regarding interest in purchasing the city owned property next to the church where she is a pastor, requesting the City consider selling the property to the church for a discounted valuation, and inviting all to their Juneteenth celebration next month.
2. Larry Munns, Director, Northwest Region Intruder Association, addressed the Council to offer letters of appreciation to staff members for the cleaning of the aircraft and grounds at Gateway Park. He thanked Kevin Scheer and Aaron Hoff of the Streets Department and Tally Hucke, Jammie Hulse, Dustin Croucher, Eric Hannan, and Brian Rivers of the Parks Department.

Hearing no others with a desire to address the Council, the public comment period was closed.

### **4. CONSENT AGENDA**

#### Consent Items

- a. Approval of Minutes of the April 18, 2023 Council Meeting and April 26, 2023 Council Workshop
- b. Approval of Payroll and Accounts Payable Vouchers
- c. Agreement with D&P Electronic Home Monitoring, LLC for Electronic Home Monitoring of eligible offenders
- d. Purchase Authorization: Parks & Creation Department Bus

Mayor Severns called for any changes to the consent agenda. Hearing none, the Consent Agenda was approved as presented.

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

- a. Mayor - Mayor Severns provided the following comments and updates:
  - Holland Happening: This annual event was once again a great success. Our thanks to the Greater Oak Harbor Chamber of Commerce, Police and City crews, and all the wonderful volunteers who helped to bring us this event. The Chamber sent thanks to everyone at the City as well. Several Councilmembers participated.

- Arbor Day: City Parks & Recreation, and members of our Administration team were joined by the staff and students of Broadview Elementary, the Park Board, Arts Commission, the Garden Club and the Oak Harbor Garry Oaks Society, to enjoy activities and plant trees at Well Site -10 Park. Students have submitted entries to re-name the park. Stay tuned.
- Whidbey Island Marathon: The marathon had a great turn-out and brought many visitors to Oak Harbor. Thank you to race organizer Jared Loranger and City staff and volunteers for another great event.
- New Business Ribbon Cutting: Join the Chamber as they welcome new business Anchor Point on Saturday, May 6th at 12 p.m. at 951 NE 21st CT, Oak Harbor
- Oak Harbor Music Festival Teen Talent Showcase: The Oak Harbor Music Festival invites teens age 12-18 or grades 6-12 to submit an audition video by Saturday, June 3rd. Winners will receive a chance to perform live on September 3rd at the Music Festival. See their website for more information.
- Boards & Committees: The City has openings on our Historic Preservation Board, Investment Committee, Arts Commission, Planning Commission and Salary Commission. Please see our website for more details.
- Upcoming Events: Upcoming events, including several from the Parks & Recreation Department at the Marina and at The Center were displayed.

b. Councilmembers

- i. Mayor Severns called upon the Council for any additional comments.

Councilmembers Munns, Woessner, Stucky, Hoffmire and Mayor Pro Tem Hizon provided updates and comments. All voiced support for the work of the staff and for the Police Department in dealing with the encampment issue.

At Mayor Severn's request, Chief Dresker responded in regard to the encampment. He explained the role that the Police Department plays in our community, low staffing challenges, and the development of new officers. The Police Department must operate within case and state laws when responding. Chief Dresker talked about his staffs' compassion, their desire to assist the public, and challenges within the requirements of the law. In regards, to Home Depot he explained that the situation is not the responsibility of City Council. The Council is responsible for confirming that the Chief of Police and Police Department staff do an excellent job serving the community and he noted his appreciation for their support.

Chief Dresker explained the legislation issue regarding narcotics. The Blake Decision law expires on July 1 and with that expiration, narcotics will no longer be illegal. He is monitoring what other Washington cities are doing to create their own laws and is working with the City Attorney and City leadership to prepare an item for Council. Governor Jay Inslee has called all legislators back into Special Session May 16<sup>th</sup> to attempt to pass a law before the deadline. Chief Dresker will provide additional updates to the Council at a future meeting.

Chief Dresker also thanked Councilmember Munns for her comments about Sgt. Valenzuela's assistance of a citizen and thanked Larry Munns and Oak Harbor Youth Sailing for their work to aid an individual with mental illness who needed assistance in the Oak Harbor Bay near the Marina. The Youth Sailing rescue boat assisted police in retrieving the individual from the water.

## 6. PUBLIC HEARINGS & MEETINGS

None

## **7. ORDINANCES & RESOLUTIONS**

- a. Resolution 23-10: Authorizing the Expenditure of Arts Commission Funds for the Mural Wrapping of Electrical Utility Transformers

Senior Services Administrator Liz Lange introduced Parks Board member J.R. Russell who presented the resolution. Staff is working with Home Connections to installing art designed by students on two utility boxes. The Arts Commission is supporting the project and would like to take this program to the rest of the school district. They have identified 13 utility boxes throughout the city that can be used for the project. The project will provide the School District's arts classes with an opportunity for students to design small murals that will be installed on the 13 utility boxes by a contractor. Staff estimates and the Arts Commission has approved the request to utilize \$10,000 from the Creative Arts Fund for the project.

Mayor Severns confirmed no public comments had been received and called for any comment from those present. Hearing none, he called on Council for their comments. Councilmember Hoffmire, and Mayor Pro Tem Hizon provided their respective questions and comments.

**Motion:** Councilmember Woessner moved to approve Resolution 23-10 Authorizing appropriation of funds from the Creative Arts Fund in the amount of \$10,000 for utility box wrapping, seconded by Councilmember Munns. The vote on the motion carried unanimously.

## **8. CONTRACTS & AGREEMENTS**

None

## **9. OTHER ITEMS FOR CONSIDERATION'**

- a. Approval of Potential 2023 Rural County Economic Development Fund Grant Application

City Administrator Oborn presented the item.

The Island County Board of County Commissioners has authorized a grant application for the Rural County Economic Development (RCED) program. Online applications will be accepted until 4:30pm May 16, 2023. The Board has set a limit of "up to \$3.0 million" total grant awards for the year. He explained the City received notice of the grant application period just weeks ago with a due date of May 16, 2023. City Administrator Oborn reviewed past applications and noted examples of awards the City has received and those it has not received.

Possible New Grant Requests:

Marina Dredging - (Partial funding) - \$2,000,000  
Fakkema Access Road (Rejected in 2019 but could reapply) - \$250,000  
Goldie Road – Industrial Park Water Tie-in - \$60,000  
Center Parking Lot remodel (RCED has funded parks projects before) \$420,500  
Pickleball Courts (RCED has funded parks projects before) - \$200,000  
North Whidbey Industrial Park Study - \$100,000 PD Remodel - \$700,000  
Downtown Expansion Study (Studies not usually funded) - \$70,000  
Shoreline Restoration Study (Probably other funding opportunities) - \$300,000  
SR20 Multimodal Study (Probably better funded by IRTPO) - \$300,000

City Administrator Oborn provided the further definition of public facilities and submitted a list of possible new grant requests and requested Council to pick two or three, with staff's recommendation: Marina Dredging, Center Parking Lot Remodel, and Pickleball Courts.

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Mayor Severns confirmed no public comments had been received and called for any comment from those present. Hearing none, he called on Council for their comments.

Councilmembers Stucky, Woessner, Munns, Hoffmire, Marshall and Mayor Pro Tem Hizon provided their respective questions and comments.

**Motion:** Following discussion, Mayor Pro Tempore Hizon moved to authorize the submission of a grant application to Island County for the Rural County Economic Development Program for Marina Dredging, The Center parking lot, Pickleball Courts, and North Whidbey Sewer Extension, seconded by Councilmember Hoffmire. Councilmember Marshall offered a friendly amendment, with a second by Councilmember Woessner, to change the amount of North Whidbey Sewer Extension by \$450,000. The vote on the friendly amendment passed unanimously. Mayor Severns then called for a vote on the motion as amended which passed unanimously.

## 10. REPORTS & DISCUSSION ITEMS

### a. Fire Department Annual Report

Fire Chief Merrill presented the Fire Department's 2022 Annual Report. He thanked Senior Administrative Assistant Angela Braunstein for putting together the presentation and thanked the fire department for their service.

Mayor Severns and Councilmembers Stucky and Hoffmire also provided their respective comments and thanks.

### b. Transportation Benefits District Annual Report

Finance & Performance Analyst Webster and City Engineer Alex Warner presented the annual report for the Transportation Benefit District (TBD).

**Background:** In May 2018, City Council adopted Ordinance No. 1835 which created the Oak Harbor Transportation Benefit District (OHTBD) Number One. The City Council assumed the duties of the OHTBD via Ordinance Number 1865. This ordinance requires that an annual report be issued to the public and to newspapers of record in the City. On July 24, 2019, City Council passed Resolution 19-16, calling for an initiative on the November 2019 Ballot asking the citizens to adopt a 0.2% sales tax (Taxable Retail Sales only) to fund local road improvements to preserve and maintain the City's transportation infrastructure. This ballot measure was approved by the voters in the November 2019 General Election.

Following the example of other comparable Washington Cities, staff will publish the notice to the newspapers, and will publish the 2022 Annual Report as outlined in the agenda packet.

#### 2022 Report Summary:

Beginning Balance at 01/01/2022: \$ 1,475,982.01  
2022 Revenues Collected: \$ 1,192,952.85  
2022 Expenditures: \$ 1,138,301.23  
Ending Balance at 12/31/2022: \$ 1,530,633.63

City Engineer Warner also reviewed upcoming projects for 2023. Councilmembers Stucky and Hoffmire provided their respective comments and thanks.

## **11. EXECUTIVE SESSION**

Mayor Severns announced the Council would move into executive session to consider the selection of a site or acquisition of real estate by lease or purchase as pertains to price per RCW 42.30.110 (1) (b), and per RCW 42.30.110 (1) (c) to consider the minimum price at which real estate will be offered for sale or lease. The anticipated duration was thirty minutes. He noted action might or might not be taken upon return to the open session and that Executive Sessions are not open to the public.

The Council moved into executive session at 8:00 p.m. At 8:30 the Council came out of executive session and resumed the open session of the meeting. Mayor Severns noted no action was taken in the executive session. He called upon Harbormaster Sublet for a presentation.

### **Mariners Haven Boatyard Purchase**

Harbormaster Chris Sublet presented the purchasing details for possible acquisition of the Mariners Haven Boatyard.

**Motion:** Councilmember Woessner moved to authorize the Mayor to sign and execute all the necessary contracts and documents for the purchase of Mariners Haven Boatyard with the addition to extend the feasibility contingency date and period of examination to November 1, 2023, seconded by Councilmember Munns. The vote on the motion passed unanimously.

### **Adjourn**

**Motion:** There being no further business, Councilmember Marshall moved to adjourn, seconded by Mayor Pro Tem Hizon. The motion was approved by a unanimous vote, therefore the meeting adjourned at 8:36 p.m.

Certified by Julie Nester, City Clerk

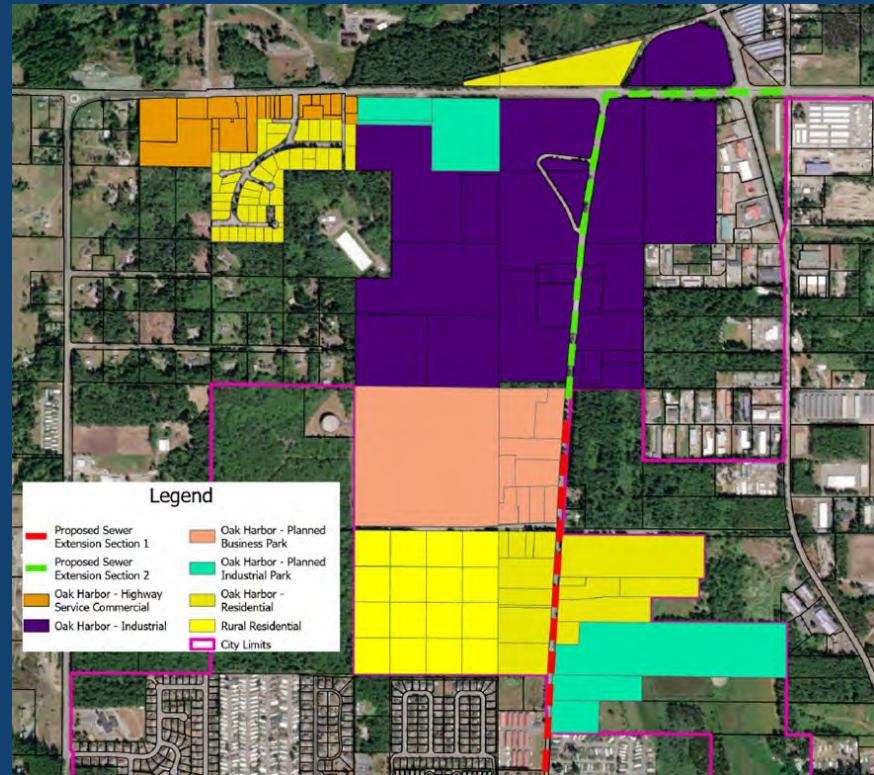
# NORTH WHIDBEY SEWER EXPANSION DESIGN





# NORTH WHIDBEY SEWER

- Design Phase
- Sewer Expansion Oak Harbor Rd
  - NW Crosby Ave
  - Ault Field Rd
  - West to CPO Club
- Within the UGA





# GROWTH MANAGEMENT

- 142 distinct parcels
- Several areas are planned industrial / business parks
- Spur economic development activities in North Enterprise Zone

FUND 432—SEWER CAPITAL

## North Whidbey Sewer Expansion

**PROJECT DESCRIPTION:** This project is to begin the design process for the installation of a lift station and all related infrastructure to serve the North Enterprise Zone.

**PROJECT NEED:** Needed to provide infrastructure to the North Enterprise Zone.



# COMPATIBILITY

- **Economic Development Addressed in:**
  - Oak Harbor Comprehensive Plan
  - Oak Harbor Capital Improvement Plan
- **Comprehensive Plan Objectives**
  - Support a Vibrant Economy
  - Support Retention & Expansion of Industrial Uses by Utility Service Extensions & Public Infrastructure Improvements
  - Support the Development of Business Parks



# JOB CREATION /RETENTION

- Businesses located in area will benefit
- Stimulate new business development
- Stimulate private investment
- Goldie Rd Sewer was installed & the area has since seen development
- Oak Harbor Rd - expect the same type of development

# BENEFITS

## Infrastructure

- 375 acres served
- Fewer septic systems in County
- Better treatment at Clean Water Facility
- Beneficial to the Environment

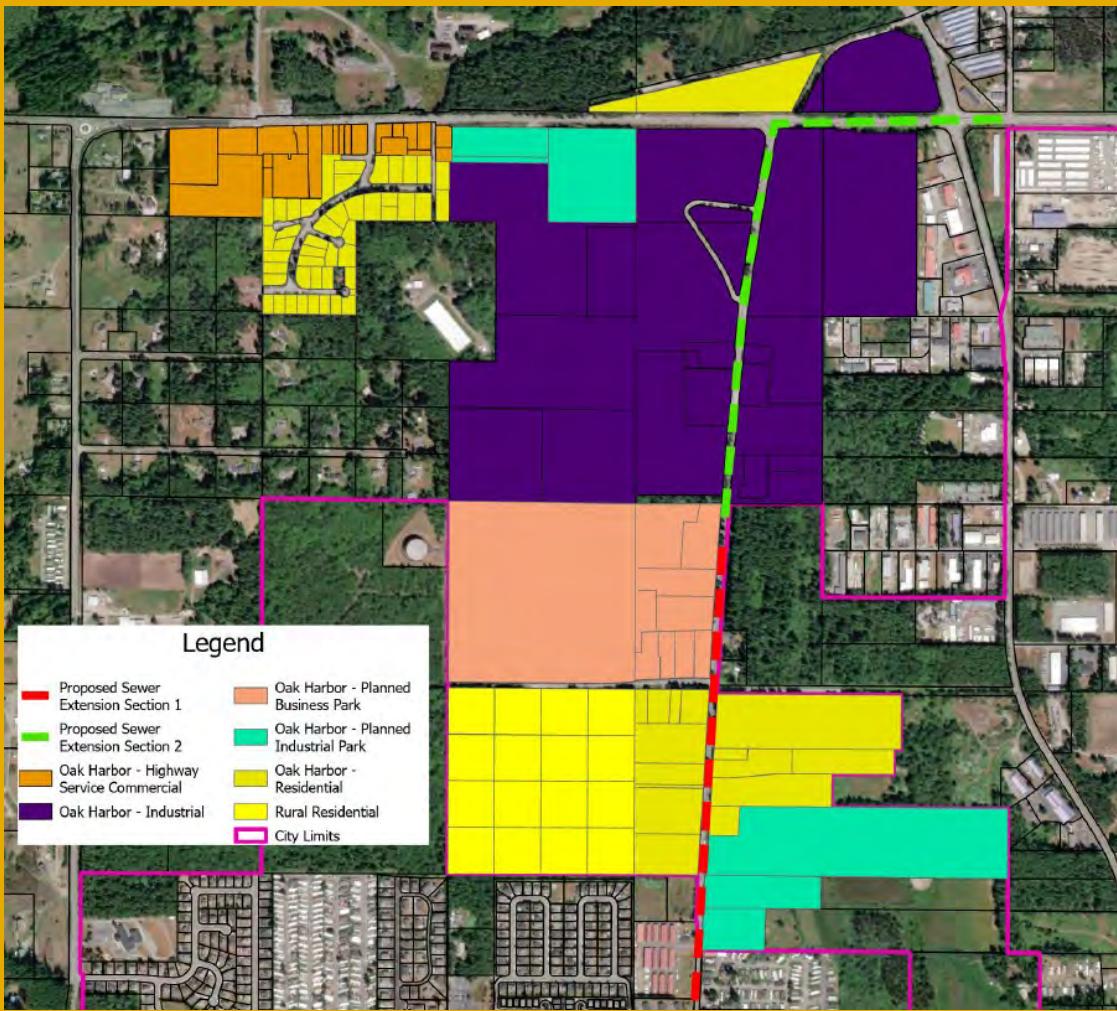
## Community

- New business development will diversify the economy
- Bring new living wage jobs to the City/County
- Potential for increased density in the area



# ACTION PLAN

- RCED Request = \$405,000
- City Match = \$45,000
- Total Design = \$450,000
- Hire engineering firm to design the expansion
  - Placement of new lift station(s)
  - Best route for main line
  - Timeline – 12-18 months for complete design



QUESTIONS?



**ISLAND COUNTY COMMISSIONERS**

**WORK SESSION AGENDA**

**DATE: 6/21/2023**

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**To:** Janet St. Clair, Chair  
Board of Island County Commissioners

**From:** BOCC Staff

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**Amount of time requested for agenda discussion: 10 min**

**Agenda Item No.: 1**

**Subject:** SWISS Strategic Plan Subcommittees discussion

**Description:** Discussion of SWISS Subcommittee appointments

**Attachment:** SWISS Strategic Plan Subcommittee List

**Request:** (Check boxes that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Move to Consent    | <input type="checkbox"/> Move to Regular       |
| <input type="checkbox"/> None/Informational | <input checked="" type="checkbox"/> Discussion |
| <input type="checkbox"/> Signature Request  | <input type="checkbox"/> Other: _____          |

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable

**Agenda Item No.: 2**

**Subject:** Revision to Island County Code 9.08A.010 - Fireworks regulations and Island County Code 9.08A.040 – Limitations on the use and discharge of fireworks.

**Description:** Presentation of proposed code revisions to ICC 9.08A.010 Fireworks regulations and 9.08A.040 Limitations on the use and discharge of fireworks and move item forward for Public Hearing at the soonest possible date following approval from the Code Revisor.

**Attachment:** Proposed Code Amendment

**Request:** (Check boxes that apply)

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Move to Consent | <input type="checkbox"/> Move to Regular |
| <input type="checkbox"/> None/Informational         | <input type="checkbox"/> Discussion      |
| <input type="checkbox"/> Signature Request          | <input type="checkbox"/> Other: _____    |

**IT Review Complete:**  Not Applicable

**Budget Review Complete:**  Not Applicable

# SWISS STRATEGIC PLAN SUBCOMMITTEES

## REQUIREMENTS

Each committee must have the following representation:

1. One elected representative from each SWISS county.
2. County staff working in the subject matter area.
3. Partners or agencies that engage in work related to the subject matter area.
4. Subject matter experts (these members may not necessarily be regular subcommittee members, but may present at meetings or support research).

The following names or organizations were put forward as potential subcommittee members by the SWISS Executive Committee:

## BROADBAND

Name	County/Organization	Role
Commissioner Janet St. Clair	Island County	Elected
Councilmember Kaylee Galloway	Whatcom County	Elected
Executive Satpal Sidhu	Whatcom County	Elected
Commissioner Lisa Janicki	Skagit County	Elected
Councilmember Nate Nehring	Snohomish County	Elected
Councilmember Christine Minney	San Juan	Elected
Stephanie Wright	Snohomish County (for Executive Somers)	Elected
Jennifer Johnson	Skagit County (Deputy Administrator)	Staff
Russell Wiita	Snohomish County	Staff
Jason Bierman	Snohomish County	Staff
Kelly Snyder	Snohomish County Public Works (Director)	Staff
Doug McCormick	Snohomish County Public Works	Staff
Ed Sewester	Island County (asst. County Engineer)	Staff
TBD	NOANet	Partner
Darla O'Connor	USDA Broadband (Mt. Vernon Office)	Partner
John Holman	USDA Broadband/Community Connect	Partner
TBD	Access	Partner
TBD	Rock Island Fiber	Partner
Sara Young	Port of Skagit	Partner
Chris Michalopolous	Port of Skagit	Partner
Andrew Entrikin	Whatcom PUD	Partner
Gina Stark	Port of Bellingham	Partner
Joe Poire	WSU Extension Staff (Contracted)	Experts
Dustin Loup (until contract expires)	WSU Extension Staff (Contracted)	Experts
TBD	Guidehouse	Experts
Mike Voss	Skagit 911	Experts
Sean Ardussi	Washington State Broadband Office (WSBO)	Experts

Tracey Blackburn	National Telecommunications and Information Administration (NTIA)	Experts
Zach Lindahl	Ziply	Experts
Jessica Epley	Ziply	Experts
Vincent Buys	Ziply	Experts
TBD	Comcast	Experts
Merrill Swanson	Wave/Astound	Experts

## TRANSPORTATION

Name	County/Organization	Role
Commissioner Ron Wesen	Skagit County	Elected
Commissioner Jill Johnson	Island County	Elected
Councilmember Sam Low	Snohomish County	Elected
TBD	San Juan County	Elected
TBD	Whatcom County	Elected
Ed Sewester (Asst. County Eng.)	Island County	Staff
Cammy Hart-Anderson	Snohomish County Human Services	Staff
Todd Carlson	WSDOT	Partner
Jay Drye	WSDOT	Partner
TBD	Community Transit (Snohomish County)	Partner
Melissa Fanucci	North Sound Transportation Alliance	Partner
Kevin Murphy	Skagit Council of Governments - Transportation Policy Board	Partner
Todd Morrow	Island Transit	Partner
Crystal Stidham	Skagit Transit	Partner
TBD	Whatcom Transportation Authority	Partner
TBD	Washington State Transit Association	Partner
TBD	Puget Sound Regional Council	Partner
TBD	Washington State Transportation Commission	Partner
Axel Swanson	WSAC	Expert
Grace Kane	Skagit County Public Works	Experts

## BEHAVIORAL HEALTH

Name	County/Organization	Role
TBD	Snohomish	Elected
TBD	Whatcom	Elected
TBD	Island	Elected
Commissioner Peter Browning	Skagit	Elected
TBD	San Juan	Elected

Alan Muia	Skagit County Recovery Services and Housing	Staff
TBD (Joe Valentine's replacement)	North Sound BH-ASO	Partner
George Kosovich	Skagit County Public Health	Staff
Amie Tidrington	Skagit County Corrections	Staff
Rose Ness	Skagit County (Co-Response Manager)	Staff
Cammy Hart-Anderson	Snohomish County Human Services	Staff
Lynda Austin	Island County	Staff
Liz Baxter	North Sound ACH	Partner
Gregg VonFempe	Evaluation and Treatment Center Skagit (Exec. Director)	Staff
Gary Shand (Board Chair)	Skagit Valley Hospital	Partner
TBD	Island Hospital	Partner
TBD	First responders	Partner
TBD	Washington State Healthcare Authority	Partner
TBD	Washington State Department of Health	Partner
Commissioner Peter Browning (Skagit)	North Sound BH-ASO	Partner
TBD	Private Providers	Partner
TBD	Managed Care Organizations	Partner
Amie Tidrington (Skagit PH)	Naphcare Health Services (Skagit)	Partner
Liz Baxter	Northsound Accountable Community of Health	Partner
Tiffany Edlin	Northsound Accountable Community of Health	Partner
Leon John	Indian Health Board	Partner
Cheryl Rasar	Didgwalic Wellness Center	Partner
Juliana Roe	WSAC Staff	Expert
Brad Banks	Contracted WSAC Staff	Expert

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF ISLAND COUNTY, WASHINGTON

[ IN THE MATTER OF AMENDING ISLAND ]  
[ COUNTY'S FIREWORKS CHAPTER 9.08.A ]

ORDINANCE NO. C - - 23

**WHEREAS**, in 1961 the State of Washington adopted the State Fireworks Law;

**WHEREAS**, in 1982, the Washington State Legislature adopted Substitute House Bill 1149 which significantly amended the 1961 State Fireworks Law;

**WHEREAS**, pursuant to RCW 70.77.250(4), the State Fireworks Law as amended provides that a county may adopt an ordinance imposing more restrictive regulations than the state fireworks laws but such regulations that are more restrictive than the state fireworks laws shall have an effective date no sooner than one year after its adoption;

**WHEREAS**, the Board of County Commissioners ("Board") has determined it to be in the best interests of the citizens of Island County, pursuant to the Washington State Constitution Article XI, Section 11, RCW 36.32.120(7), and RCW 70.77.250(4), to limit the use and discharge of consumer fireworks in unincorporated Island County to only those times as shown on Exhibit "A" attached herein beginning July 3 and ending July 4 and also on New Year's Eve as allowed per state law;

**WHEREAS**, the Board has also determined it to be in the best interests of the citizens of Island County to prohibit the use of mortar-style consumer fireworks;

**NOW, THEREFORE,**

**IT IS HEREBY ORDAINED** that the Board hereby adopts the amendment to chapter 9.08A of the Island County Code as shown on Exhibit "A." Material underlined is added and stricken material is removed.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023. Pursuant to RCW 70.77.250(4), the provisions of this ordinance that regulate fireworks in a manner more restrictive than the state fireworks law shall take effect one year from the date of adoption.

BOARD OF COUNTY COMMISSIONERS ISLAND  
COUNTY, WASHINGTON

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Janet St. Clair, Chair

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Jill Johnson, Member

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Melanie Bacon, Member

ATTEST:

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Jennifer Roll

Clerk of the Board

Approved as to Form:

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## EXHIBIT A

### 9.08A.010 - Fireworks regulations.

Fireworks in Island County are governed by the state fireworks law, chapter 70.77 RCW, and accompanying state regulations provided in chapter 212-17 WAC, as well as by this chapter. The more restrictive provisions apply, in case of any conflict between state and local regulations.

In addition to fireworks prohibited by state law as identified above, mortar-style fireworks are prohibited in Island County except as permitted in section 9.08A.040.C.

### 9.08A.020 - Local fire official.

In unincorporated Island County, the local fire official, as that term is defined in RCW 70.77.177, is the Island County Sheriff or his or her designee and the local fire authority for purposes of this chapter is the Island County Sheriff's Office.

### 9.08A.030 - Definitions.

The definitions in chapter 70.77 RCW are incorporated herein. Also, the following definitions apply to this chapter:

**Severe dry weather conditions** means weather conditions that are so severe and dry that the Island County Fire Marshal may determine it appropriate to issue a Type II Burn Ban. The following criteria may be taken into consideration, but are not limited to: fuel moisture levels; predicted relative humidity; predicted temperature; predicted winds; drought scale; wildfire response level and impact of fire resources, as well as other criteria that may assist the Fire Marshal in making his or her determination.

### 9.08A.040 - Limitations on the use and discharge of fireworks.

- A. Except as provided for in subsection B. below, consumer fireworks may only be lawfully used or discharged within the unincorporated areas of Island County, except within Island County park areas as prohibited in section 9.40.420, during the following periods of time:

July 3 - between 9:00 a.m. and 11:00 p.m.

July 4 - between 9:00 a.m. and 12 midnight

~~July 5 - between 9:00 a.m. and 11:00 p.m.~~

December 31 - between 6:00 p.m. through 1:00 a.m. on January 1.

It is unlawful to use or discharge fireworks in Island County at all other times, except as may be provided in subsections B. and C. below.

- B. If the Island County Fire Marshal has declared a Type II burn ban which includes a ban on the use and discharge of all fireworks in unincorporated Island County to be in effect during any of the time periods otherwise allowed in subsection A. above, then it shall be unlawful to use or discharge consumer fireworks during those times in unincorporated Island County while the Type II burn ban is in effect, unless the use and discharge of such fireworks are authorized by a permit issued by the local fire official pursuant to section 9.08A.040.D. as provided below.
- C. The restrictions on the use and discharge of fireworks above shall not apply:
  - 1. To the use of flares or fuses by motor or sail vessels or other transportation agencies for signal or illumination purposes or for use in forest protection activities as allowed under RCW 70.77.530 or those uses described in RCW 70.77.311;
  - 2. To the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio or television productions, or live entertainment such as theater and opera productions when such use and display is a necessary part of the production as authorized by RCW 70.77.146 and such person possesses a valid permit issued by the local fire official and meets the requirements of this chapter and RCW 70.77.535;
  - 3. To the public display of fireworks authorized by permit issued by the local fire official; or
  - 4. To the sale and use of toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick or novelty devices not classified as consumer fireworks.
- D. To obtain a permit as referenced in section 9.08A.040.C.2. and 3., a permit application must include the following, in addition to any other requirement imposed in chapter 70.77 RCW, chapter 212-17 WAC, or as required to be provided on the face of the permit application required by the Island County Sheriff's Office:

1. Must include a site plan of the surrounding area from the discharge point of the fireworks;
2. Must include the name and license number of the licensed pyrotechnic operator;
3. Must include proof of insurance and/or bond as required by law; and
4. Must include a description of the firework display and what will be used in the display.

#### **9.08A.050 - Fireworks may be prohibited during severe dry weather conditions.**

During periods of severe dry weather conditions, the Island County Fire Marshal may declare and issue a temporary ban on the use and discharge of consumer fireworks in unincorporated Island County due to the heightened fire dangers. This decision will be made by the Island County Fire Marshal after consultation with the representatives of the fire districts in Island County, and departments of Island County, including the Board of Island County Commissioners. The Island County Fire Marshal can lift the ban at his or her discretion. The Island County Fire Marshal may issue such a temporary ban on the use and discharge of consumer fireworks in the unincorporated areas of Island County by issuing a Type II burn ban as authorized by [chapter 14.03B](#) of the Island County Code.

#### **9.08A.060 - Seizure and forfeiture of fireworks.**

The local fire official, or designee, or any law enforcement officer may seize any fireworks if such fireworks are being used or discharged, and fireworks which are part of the same group of fireworks being used or discharged, in violation of the provisions of chapter 70.77 RCW, or the more restrictive provisions of this chapter. If fireworks are seized and subsequently forfeited, then the disposal and sale of such fireworks must be done in accordance with RCW 70.77.440.

#### **9.08A.070 - Enforcement.**

The Island County Sheriff acting as the local fire official, or any law enforcement officer, is a law enforcement officer within the meaning of chapter 7.80 RCW and is authorized to enforce all provisions of this chapter and he/she may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the local fire official or his/her designee.

#### **9.08A.080 - Violations and penalties.**

Any person violating or failing to comply with any provisions of this chapter is guilty of a Class I infraction and subject to a fine of up to two hundred fifty dollars (\$250.00).

**9.08A.090 - Severability.**

If any provision of this chapter is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance codified in this chapter and the applicability thereof to other persons and circumstance shall not be affected thereby.

DRAFT