

EXHIBIT B

Joint Planning Area

and

Urban Growth Area Map

EXHIBIT C

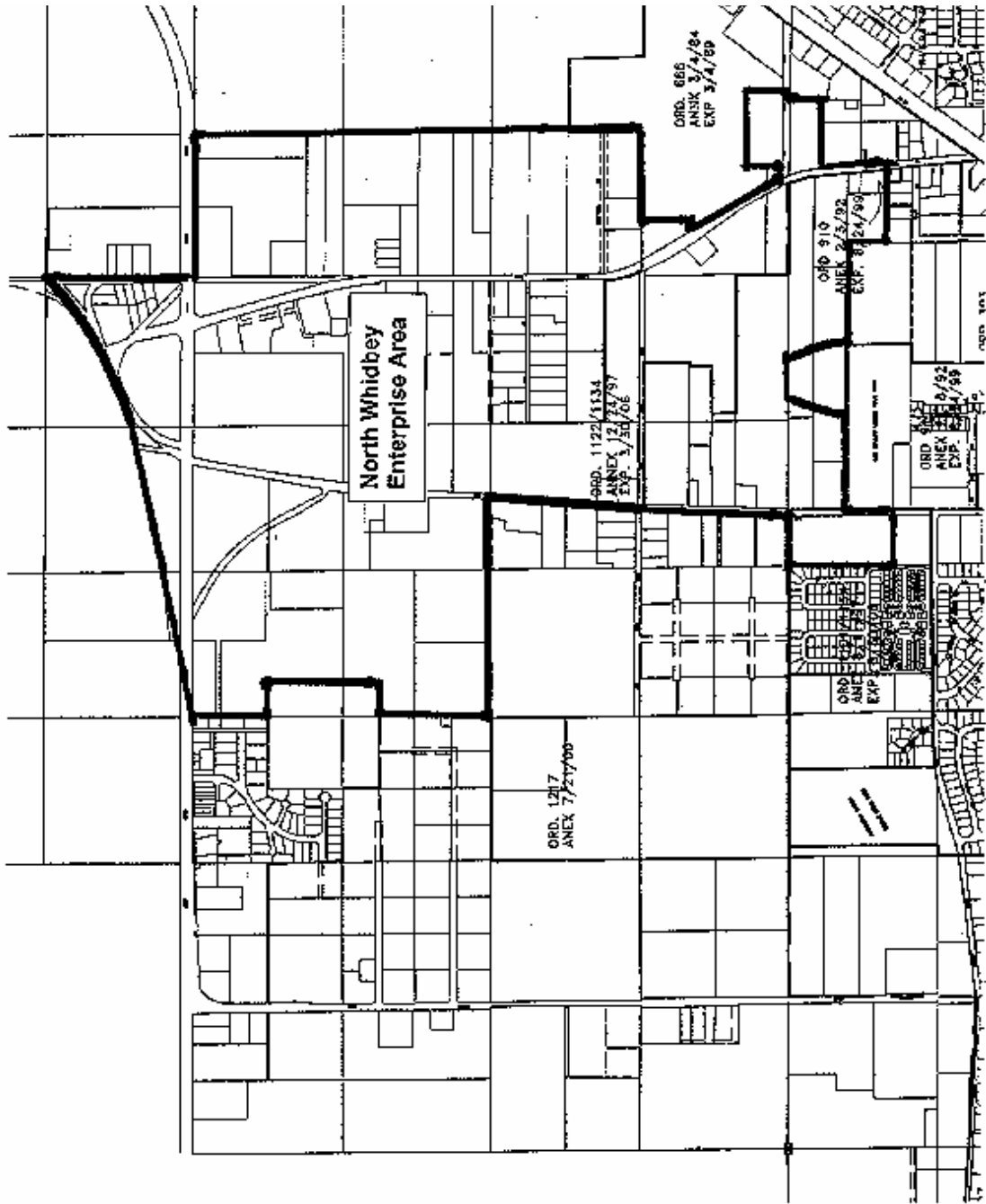


EXHIBIT D.

UGA Zoning Regulations

17.03.081 Oak Harbor – Residential (OH-R) Zone

The purpose of the Oak Harbor Residential Zone (OH-R) is to provide for the residential development of the lands inside the City of Oak Harbor’s Municipal Urban Growth Area at densities and uses that will provide for the efficient provision of municipal water and sewer services.

A. Permitted Uses. Uses permitted outright. Processed as Type I decisions pursuant to Chapter 16.19 ICC:

1. Single family detached dwellings.
2. Accessory Uses and Buildings on Lots with legally Permitted Uses;
3. Bed and Breakfast Room;
4. Day Care Nursery;
5. Home Occupation occupying no more than 25% of the Gross Floor Area or a maximum of 600 square feet in a detached single family dwelling unit;
6. Guest Cottage or Accessory Dwelling Unit subject to Site Coverage requirements of ICC 17.03.180.P;
7. Minor utilities;
8. Temporary Uses.

B. Conditional Uses.

Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:

1. Bed and Breakfast Inn with not more than six (6) guest rooms;
2. Fire Station;
3. Foster homes; and
4. Water Tanks.

Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type III decisions pursuant to Chapter 16.19 ICC

1. Group home;

2. Libraries and museums;
3. Nursing Homes;
4. Day Care Centers;
5. Senior Retirement Facility;
6. Churches; and
7. Private or public schools.

C. Prohibited Uses

1. Helipads.

D. Designation Criteria and Areas.

1. Areas within the designated boundaries of the Oak Harbor Municipal Urban Growth Area.

E. Lot/Density. Lot/Density requirements shall be as follows:

1. Base Density, shall be 1 d.u. per 5 acres.
2. A Density of up to three dwelling units per five acres is allowed provided that the public sewer, water and stormwater facilities conforming to City of Oak Harbor Utility plans and design standards are installed or, installation is secured by a bond or other form of approved security along the frontage of the portion of the property to be developed under this provision.
3. For Land Divisions approved after the execution of the Oak Harbor Interlocal Agreement, lot sizes for single family detached dwellings shall be established pursuant to the Potential Municipal Zoning Classification except in no event shall lot size exceed 15,000 square feet and lot clustering shall be required when necessary to carry out this provision.

F. Setbacks and Lot Dimensions. Setback requirements shall be as follows:

1. Street or front yard: twenty (20) feet;
2. Side yard: twelve (12) feet on one side and five feet on the other side;
3. Minimum side yard along the flanking street of a corner lot: fifteen (15) feet.
4. Rear yard: twenty (20) feet.

G. Maximum Height. Maximum height shall be thirty feet.

17.03.082 Oak Harbor – Industrial (OH-I) Zone

The OH-I district is intended to accommodate certain industrial structures and uses having physical and operational characteristics, which might adversely affect adjoining residential and commercial uses. Regulations are designed to permit those industrial uses that can be operated in a clean, quiet and safe manner compatible with adjoining land uses.

- A. **Permitted Uses.** Shall not exceed twelve thousand (12,000) square feet to gross floor area per lot, tract or parcel and shall be processed as a Type I decision pursuant to Chapter 16.19 ICC.
1. Accessory Uses;
 2. Bedding, carpet and pillow manufacture, cleaning and renovating;
 3. Bottling and processing of non-alcoholic beverages, the production of which is devoid of fumes, noxious odors, or waste products;
 4. Canning, processing and freezing of fruit and vegetables;
 5. Cold storage plants;
 6. Food and drug processing;
 7. Retail Sales and Services;
 8. Storage, Personal and Outdoor
 9. Warehousing and distribution centers;
 10. Manufacture and assembly of light and small items made from previously prepared materials and includes operations which do not create noise, smoke, odor, vibration or other objectionable nuisances to the extent that they are detrimental to surrounding uses;
 11. Assembly, manufacture, rebuilding, compounding, processing, preparation, or treatment of such articles or products as: Batteries, bottles, mattresses, furniture, tools, hardware, and paper products, but not the manufacture of paper itself;
 12. Machine, welding, or metal working shop, but not including punch presses, drop hammers, or other noise and vibration producing equipment;
 13. Woodworking shop; and
 14. Minor utilities.
- B. **Conditional Uses.** The following uses may be permitted in the OH-I upon Site Plan approval processed as a Type III decision pursuant to Chapter 16.19 ICC.
1. Any conditional use permitted in the OH-I zone;
 2. Cement and asphalt plants;
 3. Electroplating;

4. Manufacture or processing of such non-durable goods as: chemical and allied products, petroleum products, fertilizers, but excluding explosives and ammonia;
5. Metal fabrication and boiler or tank works;
6. Mixing plants for concrete or paving material;
7. Off-site hazardous waste treatment and storage facilities, provided that such facilities meet the State siting criteria adopted pursuant to the requirements of RCW 70.105.210;
8. Oxygen manufacture and/or storage;
9. Tire retreading;
10. Produce stand; and
11. Rodenticide, insecticide and pesticide mixing plants.

C. Prohibited Uses

No building, structure or premise or a portion thereof, established after the effective date of this Chapter, shall be used for human habitation, permanent, transient or temporary except as quarters for a caretaker, guard or other person whose permanent residency on the premises is required for operational safety or protective purposes.

D. Designation Criteria and Areas. Areas designated potential industrial on the Island County Future Land Use Map. Specific areas are also designated as Industrial on the 1998 Oak Harbor Comprehensive Plan Land Use Element Map.

E. Lot/Density. Lot size requirements shall be the minimum lot size required by County Health Department requirements.

F. Setback and Height. Setback and height requirements shall be as follows:

1. Minimum lot area: No limitation
2. Minimum lot width: No limitation
3. Minimum lot depth: No limitation
4. Minimum front yard: 35 feet
5. Minimum side yard: No limitation, except when abutting a residentially zoned property then ten (10) feet each. For corner lots, a side yard abutting a public street shall be thirty-five (35) feet EXCEPT that the Director may approve a setback reduction of not less than twenty (20) feet or the established building line on adjoining property, whichever is greater.
6. Minimum rear yard: No imitation except when abutting a public street, then thirty-five (35) feet.
7. Maximum building height: 35 feet
8. Maximum lot coverage: No limitation.

G. Land Use Standards.

All projects shall comply with applicable use standards of ICC 17.03.180 unless modified by this Section; Critical Area Standards, Chapter 17.02 ICC; and Island County AICUZ Standards.

17.03.083 Oak Harbor - Highway Service Commercial (OH-HSC) Zone

The Highway Service Commercial Zone (OH-HSC) is intended to permit the establishment of facilities within the Oak Harbor Municipal Urban Growth Area oriented toward uses dependent upon highway location. It is intended that such districts should be placed at locations providing the highest degree of usefulness to the traveling public and maintain an attractive, functional and safe highway corridor within the Oak Harbor UGA.

A. **Permitted Uses.** Shall not exceed twelve thousand (12,000) square feet of gross floor area per lot, tract or parcel and shall be processed as a Type I decision pursuant to Chapter 16.19 ICC.

1. Accessory Uses;
2. Automobile and Truck Service Stations;
3. Automobile Sales and Service;
4. Boat Sales and Boat Repair;
5. Drive-in Banks;
6. Restaurants;
7. Real Estate Sales; Governmental Services; and
8. Self Storage Warehouse.

B. **Conditional Uses.**

1. Any permitted use that exceeds twelve thousand (12,000) square feet of gross floor area may be allowed upon Site Plan Approval processed as a Type II decision pursuant to Chapter 16.19 ICC.
2. Major Utilities and Essential Public Facilities may be allowed upon Site Plan Approval processed as a Type III decision pursuant to Chapter 16.19 ICC.

C. **Prohibited Uses.**

1. Junk and Salvage Yards;
2. Single Family Dwelling Units.

D. **Designation Criteria and Areas.** Areas designated as potential industrial lands on the Island County Future Land Use Map in the Oak Harbor UGA. Specific areas are also designated as Highway Service Commercial on the 1998 Oak Harbor Comprehensive Plan Land Use Element Map.

E. **Lot / Density.** Minimum Lot size shall be the minimum Lot size required by County Health Department requirements provided that no residence for a caretaker, guard or other person whose permanent residency on the premises is required for operational safety of protective

purposes shall be erected, maintained or enlarged on a Lot which is less than six thousand (6,000) square feet.

F. Setbacks and Heights. Setback and height requirements shall be as follows:

1. Front setback shall be thirty-five (35) feet.
2. There is no side setback except as follows:
 - a) Along side lot lines abutting residentially zoned property there shall be a ten (10) foot setback.
 - b) For corner lots the side setback shall be fifteen (15) feet unless modified by Section 17.03.180.S.6.
3. There is no minimum rear setback except where abutting a street. In the case of a lot where the rear lot line abuts a street the rear setback shall be fifteen (15) feet.
4. Maximum building height shall be thirty-five (35) feet.
5. There is no restriction as to the amount of lot which may be covered.

G. Land Use Standards.

All projects shall comply with applicable use standards of ICC 17.03.180 unless modified by this Section; Critical Area Standards, Chapter 17.02 ICC; and Island County AICUZ Standards.

17.03.084 Oak Harbor - Planned Business Park (OH-PBP) Zone

The purpose and intent of the Planned Business Park is to:

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

A. Conditional Uses. Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC:

1. Accessory uses;
2. Assembly, manufacture, packaging, compounding or treatment of articles or merchandise from the following previously prepared materials: cloth, glass, lacquer, leather, paper, plastics, precious or semi-precious metals or stones, wood (excluding sawmills, lumber mills and planing mills), paint, clay, sand, rubber;
3. Printing, publishing and book binding;
4. Manufacturing, processing and packaging of food, pharmaceuticals, toiletries, cosmetics, optical goods, scientific instruments and equipment, and precision instruments and equipment;
5. Scientific research, testing and experimental development laboratories;
6. Corporate headquarters, regional headquarters and administrative offices of commercial, industrial, financial, charitable or governmental institutions;
7. Uses similar to, or related to, or compatible with those listed or described in this chapter, are permitted upon a finding by the Planning Director that a proposed use does not conflict with the intent of this section or the policies of the Oak Harbor Comprehensive Plan. The criteria for such finding of similarity, relationship or compatibility shall include, but is not limited to the following:
 - a) The proposed use will not unreasonably adversely impact surrounding uses.
 - b) The development standards for permitted uses can be met by the proposed use.
 - c) Impacts, such as traffic, noise and air quality will not be significantly different than those generated by permitted uses.

B. Prohibited Uses.

1. All uses or activities which would require extraordinary equipment, devices or technology for the control of odors, dust, fumes, smoke, noise or other wastes and/or byproducts which, if uncontrolled, would contaminate the environment to a degree unacceptable by contemporary community standards; or which would exceed the acceptable limits established by competent and recognized public and quasi-public agencies for the protection of industrial and/or environmental health. Such uses include, but are not limited to the following:
 - a) Manufacturing involving outdoor storage;
 - b) Manufacture or storage of explosives;
 - c) Stockyards, dairies, slaughterhouses, rendering plants, canneries, breweries, wineries and other agricultural industries;
 - d) Petroleum refineries;

- e) Bulk fuel storage, unless stored in tanks and accessory to a permitted use occur on the same lot;
 - f) Truck parking, repair and maintenance unless accessory to a permitted use located on the same lot;
 - g) Cement manufacturing;
 - h) Blast furnaces;
 - i) Smelting;
 - j) Drop forge industries;
 - k) Fertilizer manufacture;
 - l) Sanitary landfills;
 - m) Waste to energy facilities;
 - n) Solid waste transfer stations;
 - o) Sewage treatment plants;
 - p) Lumber, pulp or paper mills;
 - q) Cargo container storage; and
 - r) Asphalt or concrete batch plant.
2. Single family or multi-family residences.

C. Lot/Density.

Lot Densities shall be as follows:

- 1. Minimum site acreage for the development of a new Planned Business Park district – twenty (20) acres.
- 2. Minimum area for an existing lot or for a lot within a Planned Business Park plat district – two and one-half (2.5) acres unless, as provided in a binding site plan, it may be less.
- 3. Minimum lot width – One hundred (100) feet.
- 4. Minimum lot depth – Two hundred (200) feet.
- 5. Minimum area for a subdivision plat is ten (10) acres which must be coordinated with the surrounding properties such as circulation, access, pedestrian and bike paths.

D. Building Setbacks, Building Heights and Site Coverage. In a Planned Business Park district, all buildings and structures, except for fencing, shall meet the following minimum setback requirements:

- 1. Front yard – thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the front yard may be reduced to fifteen (15) feet.
- 2. Interior side yards – fifteen (15) feet or zero as established by Master plan.

3. Corner lot abutting a street – thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the side yard may be reduced to twenty (20) feet.
4. Rear yard, fifteen (15) feet or zero as established by Master Plan.
5. When abutting any residential zoned property or any area planned for residential uses under the Oak Harbor Comprehensive Plan, the minimum setback shall be fifty (50) feet.
6. Permitted building height is determined by the distance the building is separated from any residential zone, or from any area designated in the Oak Harbor Comprehensive Plan for residential uses, as follow:
 - a) Less than one hundred (100) feet – thirty-five (35) feet in height.
 - b) One hundred One (101) feet and above – fifty (50) feet in height.
 - c) Two hundred (200) feet and above – sixty-five (65) feet in height.
7. The maximum building coverage shall not exceed forty (40) percent of the total lot area.

E. Designation Criteria. Areas designated as potential Industrial Lands on the Island County Future Land Use Map in the North Whidbey Enterprise Zone area of the Oak Harbor Joint Planning Area are designated as Planned Business Park on the 1998 Oak Harbor Comprehensive Plan Land Use Element Map.

F. Loading Areas.

1. Truck loading and maneuvering areas shall not be located within the required building setback areas.
2. Truck loading and unloading shall not be permitted on streets.
3. Truck loading and unloading areas, parking and maneuvering areas shall be screened by a sign-obscuring fence eight (8) feet in height, except when stored materials cannot be seen from any public roadway or from surrounding properties.

G. Land Use Standards.

All projects shall comply with applicable use standards of ICC 17.03.180 unless modified by this Section; Critical Area Standards, Chapter 17.02 ICC; and Island County AICUZ Standards.

17.03.086 Oak Harbor-Planned Industrial Park (OH-PIP) Zone

The purpose and intent of the OH-PIP is to:

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

A. **Conditional Uses.** Uses allowed upon Site Plan approval pursuant to Chapter 16.15 ICC processed as Type II decisions pursuant to Chapter 16.19 ICC.

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

12. Nursery and landscape material including greenhouses;
13. Plumbing shop;
14. Sign shop;
15. Lumber yard, retail or wholesale, including building supplies, hardware, and related items;
16. Storage, Personal and Outdoor;
17. Vocational and technical schools;
18. Private club, lodge, convent, social or recreational building or community assembly hall, (except those having a chief activity carried on for monetary gain);
19. Training facilities, including but not limited to music, dance, martial arts, photography, health clubs;
20. Warehousing and distribution centers;
21. Retail Sales and Services;
22. Uses similar to, or related to, or compatible with those listed or described in this section are permitted upon a finding by the Planning Director that a proposed use does not conflict with the intent of this section or the policies of the Oak Harbor Comprehensive Plan. The criteria for such finding of similarity, relationship or compatibility shall include, but not limited to the following:
 - a) The proposed use will not significantly impact surrounding uses.
 - b) The development standards for permitted uses can be met by the proposed use.
 - c) Impacts, such as traffic, noise and air quality will not be significantly different than those generated by permitted uses.
23. Overnight Lodging;
24. Minor and Major Utilities and Essential Public Facilities; and
25. Temporary Uses.

B. Prohibited Uses

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

- c) Petroleum refineries;
 - d) Cement manufacturing;
 - e) Blast furnaces;
 - f) Smelting;
 - g) Drop forge industries;
 - h) Sanitary landfills;
 - i) Waste to energy facilities;
 - j) Sewage treatment plants; and
 - k) Lumber, pulp or paper mills.
2. Single family or multi-family residences.

C. Designation Criteria and Areas.

Areas designated as potential industrial on the Island County Future Land Use Map in the North Whidbey Enterprise Zone area of the Oak Harbor Joint Planning Area. Specific areas depicted in the Future Land Use Map as Light Industrial – PIP and Zoning Atlas as UGAI classified lands.

D. Lot/Density and Setback.

1. In a Planned Industrial Park district, the following minimum site requirements shall apply:
 - a) Minimum site area for the development of a new planned industrial park plat – Five (5) acres.
 - b) Minimum lot area – Twenty Thousand (20,000) square feet, except where there is a binding site plan.
 - c) Minimum lot width – One hundred (100) feet.
 - d) Minimum lot depth – One hundred (100) feet.
2. The maximum building coverage shall not exceed Forty (40) percent of the total lot area.
3. In a Planned Industrial Park district, all buildings and structures, except for fencing, shall meet the following minimum setback requirements:
 - a) Front yard – Thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the front yard may be reduced to Twenty (20) feet.
 - b) Interior side yards – Fifteen (15) feet.
 - c) Corner lot side yard abutting a street – Thirty (30) feet. In cases where no parking or service occurs between the face of the building and the street, the side yard may be reduced to Fifteen (15) feet.

- d) Rear yard – Fifteen (15) feet.
- e) When abutting any residential-zoned property or any area planned for residential uses under the Oak Harbor Comprehensive Plan, the minimum setback shall be Fifty (50) feet.
- f) Parking is allowed in setbacks.

E. Building Heights.

Permitted building height is determined by the distance the building is separated from any residential zone, or from any area designated in the Zoning Atlas or adopted Future Land Use Map for residential uses, as follows:

- 1. Less than One Hundred (100) feet – Thirty Five (35) feet in height;
- 2. One Hundred One (101) feet and above – Fifty (50) feet in height + Ten (10) feet for mechanical equipment; and
- 3. Two Hundred (200) feet and above – Sixty Five (65) feet in height + Ten (10) feet for mechanical equipment.

F. Outdoor Storage.

- 1. Outdoor storage shall not be allowed within the required building setback areas.
- 2. All outdoor storage areas shall not be visible from public rights of way or private streets.
- 3. All outdoor storage areas shall be screened from public view through landscaping, walls, and/or fencing.
- 4. In no event shall materials be stacked or stored higher or to exceed the height of the screening wall or fence, eight (8) feet maximum.

G. Land Use Standards.

All projects shall comply with applicable use standards of ICC 17.03.180 unless modified by this Section; Critical Area Standards, Chapter 17.02 ICC; and Island County AICUZ Standards.

EXHIBIT E

UGA Land Use Standards

Significant Tree Retention
and Landscaping

Section 17.03.040

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Significant Tree: A healthy evergreen or deciduous tree, 12” in diameter or greater, measured 4’ above existing grade.

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Section 17.03.180.P

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6. Significant Tree Retention in the OH-I, OH-HSC, OH-PBP, OH-PIP, and non-residential development, short subdivision and subdivision in the OH-R Zones shall meet the following standards:
 - a) Applicants should retain fifteen 15% percent of the significant trees found on the property except for those trees found in building footprints, access roads, parking areas and utility lines trenches. Applicants should give attention to the following:
 - 1) Preservation of significant trees along the perimeter of the property; and
 - 2) Preservation of significant trees near or adjacent to critical areas; and
 - 3) Preservation of significant trees, which create a distinctive skyline, feature; and
 - 4) Preservation of Garry Oak Trees; and
 - 5) Trees that may constitute a safety hazard should be removed; and
 - 6) Special attention shall be given to the preservation of significant trees on properties identified in the 1995 Oak Harbor Comprehensive Plan, Environmental Element, Woodlands Map.
 - b) An inventory of significant trees shall be submitted with all applications for subdivision, short subdivision or site plan review.

7. Landscaping screening and buffering in the OH-I, OH-HSC, OH-PBP and OH-PIP Zones shall meet the following standards:
 - a) Open storage, trash or recycling areas shall be screened by fencing and/or landscaping; and
 - b) Landscaping including street trees spaced no further than twenty (20) feet on center shall be required in all front yards and the abutting public road; and
 - c) Buffers between industrial zones and adjacent residential properties shall be planted along the common boundary. The plantings should include coniferous shrubs, trees and native vegetation. Fencing may be incorporated to help ensure an effective visual buffer.

8. Landscaping for OH-I, OH-PIP, OH-PBP and OH-HSC lands abutting Goldie Road and Oak Harbor Road shall meet the following standards:
 - a) A twenty (20) foot landscape setback shall be established; and
 - b) The area between the property line and drainage swale shall be planted with low profile foliage; and
 - c) The landscape area shall be planted with a mixture of native evergreen trees containing a variety of species, colors and textures for a year-round green attractive appearance; and
 - d) If the landscape buffer setback does not have existing significant vegetation, the buffer will be planted with native evergreen trees. If deciduous trees are desired they may be planted at a rate of two (2) evergreen to one (1) deciduous tree; and
 - e) Maximum spacing of trees shall be ten (10) feet on center or equivalent grouping or equivalent as determined by site and existing conditions; and
 - f) Roadway and intersection requirements shall prevail if a conflict arises with the landscape standards listed herein.