ORDINANCE NO. 1455


WHEREAS, the City of Oak Harbor has since the 1940s been home to the military air installation now known as Naval Air Station Whidbey Island;

WHEREAS, the City of Oak Harbor and the United States Navy have worked cooperatively over the past decades on many issues of mutual interest, including long term planning to encourage land use compatibility and enhanced public safety in the areas most affected by air operations at Ault Field;

WHEREAS, since the 1970s, the United States military has promoted the Air Installations Compatible Use Zones (AICUZ) program to offer suggestions on how local jurisdictions can craft land use regulations to avoid or reduce significant conflicts with air operations;

WHEREAS, the Department of Defense delivered the first AICUZ study for NAS Whidbey Island in 1977, an AICUZ Update in 1986, revised noise contours in 1994 and 2004 and another full AICUZ Update in 2005;

WHEREAS, the City of Oak Harbor first adopted regulations to implement the AICUZ program in 1992 through two new chapters of the Oak Harbor Municipal Code, Chapter 17.30, Noise Attenuation Standards, and Chapter 19.50, Airport Environs Overlay Zone, and the City has adopted amendments when necessary to insure continuing consistency with the AICUZ program suggestions;

WHEREAS, the 2005 AICUZ Update included for the first time mapped Accident Potential Zones on lands within the city limits of Oak Harbor;

WHEREAS, after review and recommendation by the Comprehensive Plan Task Force and Planning Commission, the City Council did, on October 18, 2005, amend the Comprehensive Plan Land Use Map to include these Accident Potential Zones;

WHEREAS, on October 18, 2005, the City Council did institute a moratorium on development on properties within the Accident Potential Zones for the expressed purpose of reviewing in an expeditious manner the permitted uses and development standards applicable inside these zones for consistency with the AICUZ program;

WHEREAS, based on comments from the City Council and members of the public, the staff prepared a discussion draft of potential amendments to Chapters 17.30 and 19.50 for presentation to the Council on January 17, 2006;
WHEREAS, the City Council referred the discussion draft to the Planning Commission who in turn conducted two public workshops, on January 24, 2006 and February 6, 2006, and convened a public hearing on the AICUZ implementation amendments on February 28, 2006;

WHEREAS, following due deliberation by the Planning Commission of public comments, published studies, the AICUZ Update and other information, the Commission voted on February 28, 2006 to recommend approval of amendments to Chapter 17.30, Chapter 19.50 and the list of permitted uses in the C-4 zoning district as contained within the Oak Harbor Municipal Code;

WHEREAS, the draft amendments were evaluated for consistency with the State Environmental Policy Act (SEPA) and were distributed to State agencies and the Commanding Officer of NAS Whidbey Island as required by the Growth Management Act, with all comment and appeal periods thereto having expired; and

WHEREAS, this ordinance takes into account recommendations from the Planning Commission, public and agency comment and the official public record and fulfills the complementary goals of implementing the 2005 AICUZ Update for NAS Whidbey Island and protecting public health, safety and welfare;

Now therefore, the CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

Section One. Oak Harbor Municipal Code Chapter 19.50 is hereby amended to read as follows:

Chapter 19.50
Aviation Environments Overlay Zone

Sections:
19.50.010 Purpose.
19.50.020 Application of chapter provisions.
19.50.030 Definitions.
19.50.040 Subdistricts.
19.50.050 AE Overlay Zone Use Restrictions.
19.50.060 Exemptions.

19.50.010 Purpose.
(1) The aviation environments (AE) overlay zone is created with the following purposes:
   (a) To protect the public health, safety and welfare by regulating development and land use within noise-sensitive areas and accident potential zones;
   (b) To ensure compatibility between the Whidbey Island Naval Air Station at Ault Field and surrounding land uses;
   (c) To protect the air station from incompatible encroachment.
(2) The AE overlay zone shall serve as an overlay district that applies additional standards and requirements to properties located within an underlying zoning district. In
the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

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

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

(2) Underlying Zoning District. Where more than one (1) underlying zoning district applies to a particular property in the AE overlay zone, the provisions of this chapter shall apply only to the specific zoning district in which a particular portion of the property is located.

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

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

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

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

(1) Accident Potential Zones (APZs) means areas delineated as having measurable potential for aircraft accidents based on historical accident and operations data throughout the military.

(2) Air Installation Compatible Use Zones (AICUZ) Study means a study prepared by the United States Department of Defense for Ault Field at NAS Whidbey Island that analyzes various airfield planning parameters related to aircraft operations, noise and safety and provides recommendations that can be used to further promote compatible land use surrounding Ault Field.

(3) Floor Area Ratio (FAR) means the ratio between the square feet of gross floor area of the building and the site area. The FAR is customarily used to measure nonresidential land use intensities.

(4) Maximum Floor Area Ratio (FAR) means the highest permitted FAR for a given land use. This ratio is calculated by multiplying the average people per car for a
given land use by the maximum number of occupied parking spaces per thousand square feet of gross leasable area for said land use by 43.56 (square feet per acre divided by 1,000), then dividing the total into the desired maximum density for an acre (people per acre).

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

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

(2) Subdistrict boundaries. Boundaries for the AE overlay zone subdistricts defined in subsection (1) of this section are as depicted on the official zoning map for the city.

19.50.050 AE overlay zone use restrictions.
This section establishes restrictions within the AE overlay zone subdistricts on those uses that would otherwise be permitted in the underlying zoning districts.
(1) Accident potential subdistricts 1, 2 and 3. The restrictions for accident potential subdistricts 1 and 2 are based on AICUZ land use compatibility standards for accident potential zones, and adapted for the specific context of Oak Harbor. The restrictions for accident potential subdistrict 3 are based on consistency with the city’s comprehensive plan to ensure that land uses around accident potential zones conserve the highest degree of public health, safety and welfare.

(a) Maximum density. The maximum number of persons per acre for a permitted land use within the accident potential subdistricts shall be twenty-five (25) persons per acre for accident potential subdistrict 1, thirty (30) persons per acre for accident potential subdistrict 2 and fifty (50) persons per acre for accident potential subdistrict 3. To provide a measurement for determining maximum density, a maximum floor area ratio (FAR) has been established for each permitted land use. Total permitted gross floor area for a permitted land use is determined by multiplying the total square footage of land area by the FAR for that land use.
(b) Permitted uses and FAR standards. The table that follows establishes permitted and conditionally permitted uses and FAR standards within the accident potential subdistricts. Since these subdistricts overlay only the Auto/Industrial Commercial land use designation, as mapped in the Oak Harbor Comprehensive Plan, the table considers only those uses permitted in the underlying C-4 Highway Service Commercial zoning district which implements this designation.

<table>
<thead>
<tr>
<th>C-4 Permitted Land Uses</th>
<th>Accident Potential Subdistrict 1 (25 persons per acre)</th>
<th>Accident Potential Subdistrict 2 (30 persons per acre)</th>
<th>Accident Potential Subdistrict 3 (50 persons per acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile and Truck Service Stations</td>
<td>Yes (maximum FAR 0.14)</td>
<td>Yes (maximum FAR 0.17)</td>
<td>Yes (maximum FAR 0.28)</td>
</tr>
<tr>
<td>Automobile Sales and Service</td>
<td>Yes (maximum FAR 0.14)</td>
<td>Yes (maximum FAR 0.17)</td>
<td>Yes (maximum FAR 0.28)</td>
</tr>
<tr>
<td>Boat Sales and Boat Repair</td>
<td>Yes (maximum FAR 0.14)</td>
<td>Yes (maximum FAR 0.17)</td>
<td>Yes (maximum FAR 0.28)</td>
</tr>
<tr>
<td>Car Washes</td>
<td>Yes (maximum FAR 0.11)</td>
<td>Yes (maximum FAR 0.13)</td>
<td>Yes (maximum FAR 0.22)</td>
</tr>
<tr>
<td>Coffee Kiosks</td>
<td>Not permitted</td>
<td>Limited to 100 square feet</td>
<td>Limited to 100 square feet</td>
</tr>
<tr>
<td>Contractor Offices and Related Storage</td>
<td>Yes (maximum FAR 0.11)</td>
<td>Yes (maximum FAR 0.13)</td>
<td>Yes (maximum FAR 0.22)</td>
</tr>
<tr>
<td>Drive-in Banks</td>
<td>Not permitted</td>
<td>Yes (maximum FAR 0.13)</td>
<td>Yes (maximum FAR 0.22)</td>
</tr>
<tr>
<td>Equipment Rental</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Farm and Garden Supplies, Plant Nurseries</td>
<td>Not permitted</td>
<td>Yes (maximum FAR 0.13)</td>
<td>Yes (maximum FAR 0.22)</td>
</tr>
<tr>
<td>Furniture Manufacturing</td>
<td>Yes (maximum FAR 0.28)</td>
<td>Yes (maximum FAR 0.34)</td>
<td>Yes (maximum FAR 0.56)</td>
</tr>
<tr>
<td>Furniture Sales</td>
<td>Not permitted</td>
<td>Yes (maximum FAR 0.13)</td>
<td>Yes (maximum FAR 0.22)</td>
</tr>
<tr>
<td>Mobile and Modular Home Sales</td>
<td>Yes (maximum FAR 0.14)</td>
<td>Yes (maximum FAR 0.17)</td>
<td>Yes (maximum FAR 0.28)</td>
</tr>
<tr>
<td>Printing and Publishing</td>
<td>Yes (maximum FAR 0.28)</td>
<td>Yes (maximum FAR 0.34)</td>
<td>Yes (maximum FAR 0.56)</td>
</tr>
<tr>
<td>Professional and Scientific Instrument</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Instrument Manufacturing</td>
<td>Real Estate Sales</td>
<td>Not permitted</td>
<td>Yes (maximum FAR 0.13)</td>
</tr>
<tr>
<td>Recreational Vehicle Sales</td>
<td>Yes (maximum FAR 0.14)</td>
<td>Yes (maximum FAR 0.17)</td>
<td>Yes (maximum FAR 0.28)</td>
</tr>
<tr>
<td>Restaurants</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Self Storage Facilities</td>
<td>Yes (maximum FAR 1.0)</td>
<td>Yes (maximum FAR 3.12)</td>
<td>Yes (maximum FAR 2.0)</td>
</tr>
</tbody>
</table>

**Uses Requiring a Conditional Use Permit**

| Amateur Radio Tower and Antenna               | Not permitted                                         | Not permitted                                         | Not permitted                                         |
| Government Buildings for Administrative or   | Not permitted                                         | Yes (maximum FAR 0.14)                                | Yes (maximum FAR 0.24)                                |
| Protective Services                           | Government Storage Yards, Treatment Plants, Pump      | Yes                                                   | Yes                                                   |
|                                               | Stations                                              | (restricted)                                          | (restricted)                                          |
| Public Transportation Shelter Stations        | Yes (restricted)                                      | Yes                                                   | Yes                                                   |
| Public Utility and Communications Facility    | Yes (restricted)                                      | Yes                                                   | Yes                                                   |
| Radio and Television Broadcasting Stations    | Not permitted                                         | Not permitted                                         | Not permitted                                         |
| Supplies, Hardware                            | Yes (maximum FAR 0.11)                                | Yes (maximum FAR 0.13)                                | Yes (maximum FAR 0.22)                                |
(c) For uses noted as “restricted,” please refer to the AICUZ Study for guidance.
(d) For sites containing more than one permitted use, the most restrictive maximum FAR shall be applied to the entire site.
(e) For sites already developed to the maximum FAR, changes of use are permitted only in cases where the proposed new use has the same or more restrictive maximum FAR than the current use.
(f) For calculating the maximum FAR, the higher of the weekend or weekday parking space occupancy rate shall be used.

(2) Noise subdistricts A, B and C. New residential or noise-sensitive commercial uses, construction and reconstruction, remodeling, and/or additions to existing buildings in noise subdistricts A, B and C of the AE overlay zone shall be made to comply with OHMC Chapter 17.30.
   (a) Proposed Uses and Structures. The compatibility table contained in OHMC Chapter 17.30 identifies permitted uses and development standards that apply to proposed development within the AE overlay zone. All proposed uses and structures must comply with these standards.
   (b) Interior Day-Night Average Noise Level (Ldn). All proposed uses and structures must comply with the noise level reduction (NLR) standards as provided in the compatibility table in OHMC Chapter 17.30. Compliance with NLR requirements shall be evidenced prior to issuance of an occupancy permit or business license permit.

19.50.060 Exemptions.
The provisions of this chapter shall not be deemed applicable to the following when permitted in the underlying district:
(1) Temporary Uses. Temporary uses including, but not limited to, public celebrations and outdoor entertainment events so long as the period of operation does not exceed five days, does not exceed the maximum densities established by the applicable subdistrict and is associated with an existing permanent use.
(2) Temporary Structures. Temporary buildings and structures that are not used for residential purposes and that meet the applicable requirements as contained within this chapter so long as such uses and associated structures are constructed incidental to a permitted use, as per the requirements of this chapter;
(3) Agricultural Structures. Bona fide agricultural buildings, structures, improvements, and associated nonresidential developments;
(4) Accessory Uses and Structures. Accessory uses and structures incidental to a permitted principal structure or use and within the intent, purposes, or objectives of these regulations; structures housing accessory uses must be included in the gross floor area when calculating for consistency with the maximum FAR;
(5) Mobile and Manufactured Homes. Mobile homes and manufactured homes constructed after April 1, 1992, in general complying with the performance standards of this chapter may be located within existing, expanded or new mobile home parks within the AE Noise Subdistrict A. Mobile homes and manufactured homes constructed prior to April 1992 shall not be located within AE Noise Subdistrict A unless the development services director determines that the sound attenuation standards are met or may be met.
by making modifications to the home. All mobile homes and manufactured homes located within the AE Noise Subdistrict B shall comply with these regulations.

Section Two. Oak Harbor Municipal Code Chapter 17.30 is hereby amended to read as follows:

Chapter 17.30
Noise Attenuation Standards

Sections:

Article I. General Provisions
17.30.100 Purpose.
17.30.105 Scope.
17.30.110 Application to new and existing structures – Changes of use.
17.30.115 Details for plans and specifications.
17.30.120 Fees for plan review and inspection.
17.30.125 Definitions.
17.30.130 Design requirements.
17.30.135 Designated noise zones.
17.30.140 Air leakage for all buildings.

Article II. Noise Level Reduction – 25 Decibels
17.30.145 Compliance.
17.30.150 Exterior walls.
17.30.155 Exterior windows.
17.30.160 Exterior doors.
17.30.165 Roofs.
17.30.170 Ceilings.
17.30.175 Ventilation.

Article III. Noise Level Reduction – 30 Decibels
17.30.180 Compliance.
17.30.185 Exterior walls.
17.30.190 Exterior windows.
17.30.195 Exterior doors.
17.30.200 Roofs.
17.30.205 Ceilings.
17.30.210 Floors.
17.30.215 Ventilation.

Article I. General Provisions
17.30.100 Purpose.
The purpose of this chapter is to safeguard life, health, property and public welfare by establishing minimum requirements regulating the design and construction performance standards of buildings for human occupancy in the noise-sensitive vicinity of the Whidbey Naval Air Station at Ault Field, to ensure compatibility between the air station
and surrounding land uses, and to protect the air station from incompatible encroachment. This chapter is not intended to abridge any safety or health requirements required under any other applicable codes or ordinances. This chapter is intended to be a companion to the adopted zoning overlay ordinance establishing noise zones and requiring notice of disclosure.

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

17.30.110  Application to new and existing structures – Changes of use.
(1) Additions may be made to existing buildings or structures without making the entire building or structure comply with all the requirements of this chapter for new construction. Additions to structures within the designated noise zones shall be made to comply in the areas being added to the extent that is deemed practical and effective by the building official in meeting the intent of this chapter.
(2) Any change of use in the occupancy or use of a building previously unapproved for human occupancy to human occupancy use or of one previously unused for sleeping purposes to sleeping use shall not be permitted unless the building, structure or portion of the building complies with this chapter.
(3) The standards shall be applied to construction of new residential or noise sensitive commercial uses and for reconstruction, remodeling and/or additions to existing buildings of the types mentioned below when the value of the improvement exceeds 50 percent of the value of the existing structures.
(4) Where noise-sensitive activities are carried on in only a portion of new or reconstructed commercial building, only those areas judged noise-sensitive by the building official need to be protected.
(5) Relocated Structures. Structures relocated to an area within the designated noise zones shall comply with all requirements of this chapter.

17.30.115  Details for plans and specifications.
The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems, as herein governed, including, but not limited to: exterior envelope component materials; STC ratings of applicable component assemblies; R values of applicable insulation materials; size and type of apparatus and equipment; equipment and system controls, and other pertinent data to indicate conformance with the requirements herein.

17.30.120  Fees for plan review and inspection.
The building official is authorized to collect fees for plan review and inspection for noise attenuation. These fees shall be established by Table 3-A (other inspections and fees) of the current adopted Uniform Building Code.

17.30.125 Definitions.

(1) “Day-night average sound level (Ldn)” means a basic measure for quantifying noise exposure, namely, the A-weighted sound level averaged over a 24-hour time period, with a 10-decibel penalty applied to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

(2) “Noise level reduction (NLR)” means the amount of noise reduction required through construction and incorporation of sound attenuation material to reduce interior noise level.

(3) “Noise reduction coefficient (NRC)” means an arithmetic average of the sound absorption coefficients of a material at 250, 500, 1,000, and 2,000 Hz.

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

(5) “Decibel (dB)” means the measure of sound pressure or intensity.

(6) “Oak Harbor noise contours” means a geographic interpolation of Aviation Noise Contours as established by the NAS Whidbey Island AICUZ study program and placed on the Official Zoning Map. When a property falls within more than one noise zone, the more restrictive noise zone requirements shall apply for the entire property.

(7) “Noise” means aircraft or other noise that interferes with speech and hearing, or is intensive enough to damage hearing, or is otherwise annoying.

(8) “Interior noise level” means the sound level of noise in any habitable room with windows and doors closed.

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

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Subdistrict A 60-65 Ldn</th>
<th>Subdistrict B 65-75 Ldn</th>
<th>Subdistrict C 75 and above Ldn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single and two-family, multi-family</td>
<td>Y 25 NLR</td>
<td>Y 30 NLR</td>
<td>N</td>
</tr>
<tr>
<td>Manufactured housing, mobile homes</td>
<td>Y' 25 NLR</td>
<td>Y' 30 NLR</td>
<td>N</td>
</tr>
<tr>
<td>Hotels, motels and lodges</td>
<td>Y 25 NLR</td>
<td>Y 30 NLR</td>
<td>N</td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>Y'</td>
<td>Y'</td>
<td>Y'</td>
</tr>
<tr>
<td>Business services</td>
<td>Y'</td>
<td>Y'</td>
<td>Y'</td>
</tr>
<tr>
<td>Personal services</td>
<td>Y'</td>
<td>Y'</td>
<td>Y'</td>
</tr>
<tr>
<td>Professional services</td>
<td>Y'</td>
<td>Y'</td>
<td>Y'</td>
</tr>
<tr>
<td>Offices</td>
<td>Y'</td>
<td>Y'</td>
<td>Y'</td>
</tr>
<tr>
<td>Movie theatres, restaurants</td>
<td>Y'</td>
<td>Y'</td>
<td>Y'</td>
</tr>
<tr>
<td>R &amp; D laboratories</td>
<td>Y'</td>
<td>Y'</td>
<td>Y'</td>
</tr>
<tr>
<td>All other commercial</td>
<td>Y'</td>
<td>Y'</td>
<td>Y'</td>
</tr>
<tr>
<td>Manufacturing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Use</td>
<td>Subdistrict A 60-65 Ldn</td>
<td>Subdistrict B 65-75 Ldn</td>
<td>Subdistrict C 75 and above Ldn</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------</td>
<td>-------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Manufacturing, warehousing, distribution</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Wholesale commercial</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>All other manufacturing</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>PUBLIC AND SEMI-PRIVATE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospitals, nursing homes</td>
<td>Y 25 NLR</td>
<td>Y 30 NLR</td>
<td>N</td>
</tr>
<tr>
<td>Other medical facilities</td>
<td>Y 25 NLR</td>
<td>Y 30 NLR</td>
<td>N</td>
</tr>
<tr>
<td>Educational facilities, libraries, preschools</td>
<td>Y 25 NLR</td>
<td>Y 30 NLR</td>
<td>N</td>
</tr>
<tr>
<td>Houses of worship, public assembly</td>
<td>Y 25 NLR</td>
<td>Y 30 NLR</td>
<td>N</td>
</tr>
<tr>
<td>Government facilities</td>
<td>Y 25 NLR</td>
<td>Y 30 NLR</td>
<td>Y 30 NLR</td>
</tr>
</tbody>
</table>

1. New modular, factory-built or manufactured homes, constructed after the date of the ordinance codified in this section shall comply with these requirements. Mobile homes may be replaced within existing mobile home parks on existing mobile home spaces without complying with these requirements. Creation of mobile home subdivisions located within the designated noise zones shall be made to comply with all requirements of this chapter.

2. Measures to achieve a NLR of 25 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.

3. Measures to achieve a NLR of 30 must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas or where the normal noise level is low.

17.30.135 Designated noise subdistricts.
(1) Noise-determined construction requirements detailed in this sound transmission building code shall be applied to new construction and additions of structures, except for not normally inhabited portions of storage buildings, garages and similar structures as determined by the building official, within the designated noise subdistricts as set out in the Oak Harbor official zoning map.

(2) These contours are shown on the Oak Harbor official zoning map filed in the city clerk’s office prior to adoption of the ordinance codified in this section and by this reference made a part of this section, and a copy of which is on record in the office of the director of development services. This map shall be available for public inspection.

(3) The subdistricts shall have the following requirements:
(a) A 25 dB noise level reduction shall be required in the 60 to 65 Ldn noise-exposure zone as defined on the Oak Harbor official zoning map as Noise Subdistrict A.
(b) A 30 dB noise level reduction shall be required in the 65 and above Ldn noise-exposure zone as defined on the Oak Harbor official zoning map as Noise Subdistricts B and C. (Ord. 1319 § 2, 2002; Ord. 1273 § 9, 2001; Ord. 929 § 1, 1992).

Section Three. Oak Harbor Municipal Code Chapter 19.20 Article X is hereby amended to read as follows:

Article X. C-4 – Highway Service Commercial

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

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

19.20.380 Accessory permitted uses.
The following uses are permitted as accessory uses to a permitted use in the C-4 district:
(1) A use customarily incidental and subordinate to a principal use permitted outright;
(2) On-site hazardous waste treatment and storage facilities as an accessory use to
any activity generating hazardous waste and lawfully allowed in this zone; provided, that
such facilities meet the state siting criteria adopted pursuant to the requirements of RCW
70.105.210;
(3) Television satellite dish reflectors, roof-mounted and within building setback lines
not to exceed 35-foot height limitations.

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

19.20.390 Conditional uses permitted.
The following principal uses and their accessory uses may be permitted in a C-4 district
when authorized by the hearing examiner:
(1) Amateur radio tower and antenna;
(2) Government buildings for administrative or protective services;
(3) Government storage yards, treatment plants, well sites, pump stations;
(4) Public transportation shelter stations;
(5) Public utility and communications facility;
(6) Radio and television broadcasting stations and towers;

In a C-4 district, the following density provisions apply:
(1) Minimum Lot Size. There is no minimum lot size for this district; provided, that
no residence for a caretaker, guard or other person whose permanent residency on the
premises is required for operational safety or protective purposes shall be erected,
maintained or enlarged on a lot which is less than 6,000 square feet;
(2) There is no minimum lot depth;
(3) There is no minimum lot width;
(4) Front setback shall be 35 feet;
(5) There is no side setback except as follows:
(a) Along side lot lines abutting residentially zoned property there shall be a 10-foot
setback,
(b) For corner lots the side setback shall be 15 feet, except that the city council may
approve a variable setback of not less than the established building line of the adjoining
property after consideration at a public meeting or public hearing;
(6) There is no minimum rear setback except where abutting a street. In the case of a
lot where the rear lot line abuts a street, the rear setback shall be 15 feet;
(7) Maximum building height, 35 feet;
(8) Maximum lot coverage, no limitation.

19.20.400 Conditions governing permitted uses.
All principal uses permitted outright in a C-4 district shall meet the following
requirements:
(1) Design shall be in accordance with the provisions of the design guidelines;
(2) Landscaping and buffers shall be constructed and maintained in accordance with
the provisions of Chapter 19.46 OHMC;
(3) Access to SR 20 is limited to a circulation plan approved under Chapter 19.48
OHMC. Access to individual parcels may be permitted through adjacent parking lots;
(4) Automobile and boat sales lots shall be drained and paved or surfaced with
crushed rock except in those portions of the lot maintained as landscaped areas;
(5) The use of property shall not be objectionable because of odor, dust, smoke,
cinders, exhaust fumes, noise or vibration, or because of unsightly structures, facilities or
open storage;
(6) Outdoor use, activity or storage only in conjunction with a permitted use. A solid
sight-obscuring fence or other appropriate screening approved by the planning
department is required around the outside edges of the area devoted to the outdoor use,
activity or storage. The height of outdoor storage abutting public streets or residential
zones shall not be higher than the height of the screen device approved by the planning
department. Outdoor use, activity or storage areas located adjacent to C-4 property may
be located in the required interior side and rear setback yards. All outdoor use, activity or
storage areas located adjacent to residential zones must meet required setbacks for the primary use. No outdoor use, activity or storage shall be permitted in the front yard setback;

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

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

19.20.408 Relation to aviation environs overlay zone.*
Property located in an aviation environs overlay zone shall meet the requirements for land use compatibility in Chapter 19.50 OHMC, noise attenuation in Chapter 17.30 OHMC and the comprehensive plan land use element.

Section Four. Adopting Amended Official Zoning Map. The Official Zoning Map of the City of Oak Harbor is hereby amended to add the accidental potential and noise subdistricts as described in Chapter 19.50 of the Oak Harbor Municipal Code and as depicted on the Amend Official Zoning Map on file with the City Clerk and incorporated by this reference.

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

Section Six. Effective Date. This Ordinance shall be in full force and effect five days after its passage and publication as required by law.

PASSED by the City Council and approved by its Mayor this 21st day of March 2006.

THE CITY OF OAK HARBOR

[Signature]
Mayor

Attest:

[Signature]
City Clerk
Approved as to Form:

[Signature]
City Attorney

Published: March 25, 2006