# CITY COUNCIL AGENDA

Council Chambers, 865 SE Barrington Drive

**May 20, 2025** **5:30 PM**

## CALL TO ORDER

Invocation - Led by Pastor David Jenkins - Living Faith Church
Pledge of Allegiance - Led by Mayor Wright
Excuse Absent Councilmembers

## 1. APPROVAL OF AGENDA

## 2. PRESENTATIONS

a. Oak Harbor Fire Department Promotion Ceremonies - Otto Haffner, Josh Fiske, and Kevin Frondozo

b. Proclamation - National Public Works Week

c. In Memory of Former City of Oak Harbor Officials

d. Oak Harbor High School Art and Career Technical Education Students

## 3. PUBLIC COMMENTS

Members of the public 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 have sufficient time to speak.

## 4. CONSENT AGENDA

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.

a. Approval of Minutes -City Council Meeting of May 6, 2025

b. Approval of Payroll and Accounts Payable Vouchers

c. Safe Streets and Roads for All Grant Application

d. Resolution 25-19: Declaring Certain City Property to be Surplus Property

e. Puget Sound Energy EV Charging Project

## 5. MAYOR & COUNCIL COMMENTS

## 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. Ordinance No. 1998: Adoption of a Business & Occupation Tax

b. Ordinance No. 2000: Creating Oak Harbor Municipal Code Chapter 3.99, pertaining to the administrative provisions for the City's Business and Occupation Tax

c. Resolution 25-16 Declaring Certain City Property of the Water, Solid Waste, Storm Drain, and/or Sewer Utility to be Surplus Property

## 7. ORDINANCES & RESOLUTIONS

a. Resolution 25-18: Adopting the Comprehensive Safety Action Plan and Establishing a Goal of Zero Traffic Deaths and Serious Injuries

## 8. OTHER ITEMS FOR CONSIDERATION

a. Hillside Plat and Planned Residential Development (PRD) Extension Update

## ADJOURN

Meetings will be recorded and published to www.youtube.com/c/CityofOakHarbor. The City of Oak Harbor is committed to providing meeting access to the widest possible audience, regardless of technology or ability. If accommodations are required, please call (360) 279-4500 at least two business days prior to the meeting.

**CITY OF OAK HARBOR** **Bill No.** 2.a
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Oak Harbor Fire Department Promotion Ceremonies - Otto Haffner, Josh Fiske, and Kevin Frondozo
**Submitted By:** Travis Anderson, Chief

**RECOMMENDED ACTION**
Oak Harbor Fire Chief Travis Anderson will conduct promotion ceremonies for Otto Haffner - Promotion from Lieutenant to Captain, Josh Fiske - Promotion from Firefighter to Lieutenant, and Kevin Frondozo from Firefighter to Lieutenant.

**BACKGROUND / SUMMARY INFORMATION**
Oak Harbor Fire Chief Travis Anderson will conduct a promotion ceremony and will provide background information on these promotions.

**LEGAL AUTHORITY**
N/A

**FISCAL IMPACT**
N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**
N/A

**ATTACHMENTS**
1. Fire Department Promotions 25_0520_

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

# PROMOTIONS *Congratulations!*

## AT OAK HARBOR FIRE DEPARTMENT

OTTO HAFFNER
CAPTAIN

KEVIN FRONDOZO
LIEUTENANT

JOSHUA FIKSE
LIEUTENANT

# PROMOTIONS

## AT OAK HARBOR FIRE DEPARTMENT

*Congratulations!*

**OTTO HAFFNER**
**CAPTAIN**

**JOSHUA FIKSE**
**LIEUTENANT**

**CITY OF OAK HARBOR** **Bill No.** 2.b
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Proclamation - National Public Works Week
**Submitted By:** Steve Schuller, Director

**RECOMMENDED ACTION**
*No action required by the City Council.*

**BACKGROUND / SUMMARY INFORMATION**
*A proclamation of the Mayor for National Public Works Week, May 18-24, 2025. This year's theme, "People, Purpose, Presence," highlights three cornerstone ideals that motivate public works professionals to serve in their communities every day. Meeting the needs of people is what gives public works its sense of purpose. Many times, public works professionals will never meet those whose lives have been impacted because when things are going right, no one knows that public works is there. Yet, with or without fanfare, public works is ever present, working in the background to advance quality of life for all.*

**LEGAL AUTHORITY**
N/A

**FISCAL IMPACT**
N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**
N/A

**ATTACHMENTS**
1. National Public Works Week - May 2025 Council
2. National Public Works Week - Staff Photo - Council - May 2025

# *City of Oak Harbor*

OFFICE OF THE MAYOR
RONNIE D. WRIGHT
MAYOR

# ***PROCLAMATION***

***WHEREAS**, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Oak Harbor; and,*

***WHEREAS**, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,*

***WHEREAS**, it is in the public interest for the citizens, civic leaders, and children in Oak Harbor to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and the key foundational role it serves in their respective communities; and,*

***WHEREAS**, the year 2025 marks the 65th annual National Public Works Week, sponsored by the American Public Works Association.*

***Now Therefore**, we, Mayor Ronnie Wright and Councilmembers of the City of Oak Harbor do hereby designate the week May 18–24, 2025, as*

# *National Public Works Week*

*We urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, and managers, and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.*

*Signed the 20th day of May 2025*

_____
*Mayor Ronnie D. Wright*

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

# National Public Works Week

## This year's theme is "People, Purpose, Presence."

**CITY OF OAK HARBOR** **Bill No.** 2.c
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** In Memory of Former City of Oak Harbor Officials
**Submitted By:** Liz Lange, Recreation Manager

**RECOMMENDED ACTION**
No action by the Council is needed.

**BACKGROUND / SUMMARY INFORMATION**
The Mayor and Council will take a moment to reflect on the passing of former City of Oak Harbor officials.

James "Jim" Campbell recently passed away. Jim was a well-respected leader in our community. He served as a City Councilmember for twelve (12) years from January 2006 to December 2017.

Kate Rose passed away recently. Kate was a former City of Oak Harbor employee and was the Administrator of The Center. Kate also served as the Program Manager for Leadership Whidbey. Most recently, Kate served as a valued member of the Parks and Recreation Commission.

The City offers its condolences to their families.

**LEGAL AUTHORITY**
N/A

**FISCAL IMPACT**
N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**
N/A

**ATTACHMENTS**
1. In Memory of Jim Campbell & Kate Rose

James "Jim" Campbell

Kate Rose

**CITY OF OAK HARBOR** **Bill No.** 2.d
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Oak Harbor High School Art and Career Technical Education Students
**Submitted By:** Julie Nester, City Clerk

**RECOMMENDED ACTION**
This is a presentation regarding awards won by Art and Career & Technical Education students at Oak Harbor High School. No action by the Council is needed.

**BACKGROUND / SUMMARY INFORMATION**
Students from Oak Harbor High School (OHHS) have been repeatedly recognized for their artistic abilities. The City was made aware of these accolades by current and past members of the City's Art Commission, who asked if the students could be acknowledged. Below is a listing of contests and awards garnered by these talented high school students, as provided by their instructor(s).

**CONGRESSIONAL ART CONTEST -** This contest was open to all regional schools with the top piece winning a free trip to Washington D.C. where their work is honored at an awards ceremony and is displayed for one (1) year in the Cannon Tunnel under the White House. Oak Harbor High School submitted seven (7) entries and won First, Second, and Third places.

**Northwest Education School District (ESD) 189 REGIONALS / Office of Superintendent of Public Instruction (OSPI) State -** ESD 189 is one (1) of nine (9) regions displaying 200 pieces from about 35 high schools. OHHS took eight (8) of the fifteen (15) regional spots to move on to OSPI State competition. At OSPI State, 16 final state awards are given out of the original 1,500+ entries, where 2 OHHS students won.

**SCHOLASTIC ART & WRITING AWARDS -** This is the largest national/regional contest where students from five (5) states are given Gold Key, Silver Key, and Honorable Mentions out of 30,000 works. Gold Key students then move on to compete nationally.

**SKILLS USA -** A Career & Technical Education (CTE) specific event for high schools that have CTE electives and participate in SkillsUSA clubs. All OHHS skills events students did well at their state competition, but due to their directly creative and artistic nature, the School District felt Photography, Graphic Design & Video Production SkillsUSA kids should be mentioned as part of our visual arts student body.

2D artists

- Tessa Meyer - Congressional First & ESD189 Regional Winner "*Swallow your Attitude*"
- Lillika Taitano - Congressional Second, ESD Regional & Scholastics Gold Key "*An オレンジ(orange) flavored day*"
- Peyton Bodenhafer - Congressional Third place & ESD 189 Regional Winner *"Obscure"*
- Hannah Robberts - Regionals Scholastics Gold Key/OSPI WA State & Regional Winner "*Freedom's Duality*"

- Kaitlin Cellona - ESD 189 Regional Winner "*Unwilling Acceptance of Dehumanization"*
- Joel Bennett - Regional Scholastics Gold Key "*Founding Father"*
- Christian Fortune - Regional Scholastics Gold Key *Fort Nugent "Park Creek"*
- Prestly Garcia - Experimental Painter & Lead Auto/Art Harley Designer Collaborative "*Birds & Bass"*
- AJ Hellriegel- Incredible, independent 2D and 3D artist
- Ava Hellriegel- Emotionally-evocative digital art

3D artists

- Madisyn Spanos - OSPI WA State & Regional Winner of two (2) Scholastic Arts Honorable Mentions
- Lily Isaacs - WA ESD 189 Regional Winner
- Tristin Guy - WA ESD 189 Regional Winner
- Griffin Berk-Sohn - WA ESD 189 Regional Participant and stepped up to help organize four (4) Art Shows
- Emerald Park - SkillsUSA State Metal Sculpture Participant
- Bailey Maxwell - SkillsUSA State Metal Sculpture Third Place Winner
- Maya Mouw - One of our best ceramic throwers and learners
- Ted Elick - Incredible Sculptor - one to watch
- Dakota Noernberg - a pottery prodigy
- Autumn Thomson - A natural in clay. She's going far.

Photography

- Olivia Hudson - First Place SkillsUSA State Pin Design
- Zoey Spanos - First Place SkillsUSA State Photography
- Marz Venegas - Top Ten SkillsUSA State Photography
- Matthew Selsor - Top Ten SkillsUSA State Photography
- Miriam Kelly - Top Ten SkillsUSA State Photography, Top Ten SkillsUSA State Pin Design and T-Shirt Design
- Shaylin Martis - SkillsUSA State Qualified Pin Design and T-Shirt Design

Videography

- Emma Rosser - First Place SkillsUSA State
- Katie Sheppard - First Place SkillsUSA State
- Renae Payne - Top Ten SkillsUSA State
- Veronica Peterson - Top Ten SkillsUSA State

Broadcast

- Fidelia Bockarie - Third Place SkillsUSA State
- Bernyze Lee - Third Place SkillsUSA State
- Ella Moore - Third 3rd Place SkillsUSA State
- Madisyn Spanos - Third Place SkillsUSA State

**LEGAL AUTHORITY**
N/A

**FISCAL IMPACT**
N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**
N/A

**ATTACHMENTS**
None

**CITY OF OAK HARBOR** **Bill No.** 4.a
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Approval of Minutes -City Council Meeting of May 6, 2025
**Submitted By:** Julie Nester, City Clerk

**RECOMMENDED ACTION**
Motion to approve the minutes of the May 6, 2025 City Council Meeting.

**BACKGROUND / SUMMARY INFORMATION**
N/A

**LEGAL AUTHORITY**
N/A

**FISCAL IMPACT**
N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**
N/A

**ATTACHMENTS**
1. 05.06.25 Regular Meeting Minutes

Oak Harbor City Council
Regular Meeting Minutes
May 6, 2025

**This was both a physical meeting location and a virtual meeting. Meeting was viewable via YouTube at www.youtube.com/cityofoakharbor, on Facebook, and on Cable Channel 10/HD 1090 following the meeting.**

## CALL TO ORDER

**Call To Order and Native Lands Acknowledgement** - Mayor Wright called the meeting to order at 5:30 p.m. He included the acknowledgement that the meeting was being held on the ancestral lands of the Coast Salish people and paid respect to those past and present.

**Invocation** – Led by Pastor James Sanchez, Life Church.

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**Pledge of Allegiance** – Led by Councilmember Marshall.

## ROLL CALL

| City Council Present: | Staff Present/Videoconference |
|---|---|
| Mayor Ronnie Wright | City Administrator Sabrina Combs |
| Mayor Pro Tem Tara Hizon | Deputy City Administrator David Goldman |
| Councilmember Jim Woessner | Development Services Director Davif Kuhl |
| Councilmember Bryan Stucky | Public Works Director Steve Schuller |
| Councilmember Eric Marshall | Parks and Recreation Director Brian Smith |
| Councilmember Christopher Wiegenstein | Police Captain Kevin Barton |
| Councilmember Barbara Armes | Fire Marshall and Division Chief Paul Schroer |
| Councilmember James P. Marrow | Administration Manager Sandra Place |
| | Finance Manager Chas Webster |
| | Grants Administrator Wendy Horn |
| | Executive Services Coordinator Macalle Finkle |
| | City Clerk Julie Nester |
| | |
| | Also in attendance: City Attorney |
| | Hillary Evans of Kenyon Disend, PLLC |

## EXCUSE ABSENT COUNCILMEMBERS

Mayor Wright greeted all in attendance. He noted all members of the Council were present.

## 1. APPROVAL OF AGENDA

Mayor Wright requested any changes to the agenda. Hearing none, the agenda was approved as presented.

## 2. PRESENTATIONS

a. Oak Harbor High School Robotics Club

Robotics Club Advisor Mr. Edozie Edoga introduced the students who reported on their recent international Robotic World Championship competition. Mr. Edoga noted the students had hoped to provide a demonstration of the robot built by the students, but it was still in transit from the competition.

The robotics team earned the honor of competing with the Top 800 teams in the world. The team started out in last place in their division and then moved up six places. The team had six weeks to design and build their robot and brought three designs to the community for their input. Their final design performed well. The members of the team who were present spoke about their experiences both at the competition level as well as mentoring younger students and representing the school in community activities.

Mayor Wright noted the team had made Oak Harbor proud and voiced his appreciation for their work in the community.

Mayor Pro Tem Hizon and Councilmembers Woessner and Stucky provided their respective comments. Mayor Pro Tem Hizon praised the team's outreach to younger students and building peer relationships. Councilmember Woessner noted the students' excitement was contagious. Councilmember Stucky inquired whether the students utilized or created anything with Artificial Intelligence (AI), to which they responded they did not.

b. Proclamation – National Police Week

Police Captain Barton provided background information on the annual recognition to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy. He noted it was an honor and a privilege to speak in recognition of National Police Week and to celebrate and reflect with solemn remembrance the lasting legacies of those lost in dedication to safety in our community.

Councilmember Marrow read the proclamation at the request of Mayor Wright.

c. Proclamation – Drinking Water Week

Public Works Director Schuller and Public Works Operations Manager Price provided background information on this annual recognition of the vital role water plays in our daily lives. The City of Oak Harbor is a proud member of the American Water Works Association, which is the largest organization of water supply professionals in the world. Director Schuller noted Operations Manager Price was recently promoted to his position, with positive feedback. He shared this quote: "Thousands have lived without love, not one without water." – W.H. Auden. In closing he shared a photo of City staff at the start of Oak Harbor's water supply near the Skagit River.

Councilmember Marshall read the proclamation at the request of Mayor Wright,

## 3. PUBLIC COMMENT PERIOD

Mayor Wright noted members of the public could comment on Consent Agenda items or subjects of interest not listed on the agenda at this time and there would be an opportunity to comment on the remaining Agenda items during the meeting as appropriate.

The public may also visit the City's website prior to meetings for methods to submit public comments, or contact the City Clerk, Julie Nester, by phone or email. When submitting comments, please include your name and address. Public comments sent anonymously or from a non-verifiable address will be

shared with the Mayor and Council but will not be displayed. Comments on public hearing items will be taken during the public hearings portion of the meeting.

The City received two new public comments since the last regular meeting. Comments were received from:

1. Lelah Charlene Jones of Oak Harbor, regarding the proposed downtown redevelopment and wanting to retain the small-town feeling.
2. Nancy Collins of Oak Harbor, questioning why, with the new sewage treatment plant, the harbor smelled of sewage.

The comments were displayed. Mayor Wright asked if there were any members of the public present who wished to speak to any other items not listed on the agenda or on the consent agenda. He noted the Clerk would call on speakers in the order in which they signed in to speak. Mayor Wright asked speakers to please step forward to the microphone and state their name and address, and to please limit comments to three minutes.

1. Joshua Treadway of Oak Harbor spoke regarding "constitutional crisis" and prosecution using United States Immigration and Customs Enforcement (ICE) and recent Trump Administration executive orders as an example and noted the City's obligation to protect its citizens.

Hearing no one else with a desire to address the Council, the public comment period was closed.

## 4. CONSENT AGENDA

Consent Items

a. Approval of Minutes: City Council Meeting of April 15, 2025, and City Council Workshop of April 22, 2025
b. Approval of Payroll and Accounts Payable Vouchers
c. Purchase Authorization – Police Fleet Vehicles

Mayor Wright called for any changes to the consent agenda. Hearing none he called for a motion for approval.

**Motion**: Mayor Pro Tem Hizon moved to approve the consent agenda. Councilmember Wiegenstein seconded the motion, which passed unanimously.

## 5. MAYOR & COUNCIL COMMENTS

a. Mayor's Comments

Mayor Wright provided the following comments:

- Signing of House Bill 1791: City Administrator Combs and I attended Governor Ferguson's signing of this important bill which expands the flexibility of using Real Estate Excise Tax (REET) funds and makes it easier for cities to respond to local needs without raising taxes. Special thanks to Deputy City Administrator and Finance Director Goldman and Representative Dave Paul who worked together on this bill.

- Naval Air Station Whidbey Island Sailors of the Year: While City Administrator Combs and I were in Olympia, Mayor Pro Tem Hizon had the honor of recognizing the Sailors of the Year. Congratulations to HM1 Nicholas Morgan and AZ1 Michael Uchendu who were presented with their awards by the Oak Harbor Navy League and the Rotary Club of Oak Harbor.

- Reading with a Leader: Oak Harbor Fire Chief Anderson read an Oak Harbor customized “Fly Guys Firefighters” book to students at Olympic View Elementary, while Firefighters Bradley and Brodt demonstrated their gear and equipment. The book was customized with Oak Harbor photos and signatures from Oak Harbor firefighters. Reading with a Leader is a partnership program between the Oak Harbor Kiwanis and Oak Harbor Public Schools. Thank you for representing the City.

- Arbor Day 2025: This year the City partnered with Oak Harbor Public Schools to hold events and plant trees at every elementary school. 21 trees were planted. The day also featured storytelling sessions, chalk art stations, and a live climbing demonstration by City Arborist Bob Bailey and Arborist Apprentice Greyson Clements. Thank you to the Parks and Recreation Department, City staff, and Councilmembers Woessner, Armes, and Marrow for participating, and to all the schools’ staff, students and community volunteers.

- Whidbey Island Marathon: The City was proud to once again host this terrific Marathon and half-marathon and 1K kid’s run event which brought 1,500 participants to our island. Councilmember Stucky was among the racers this year. Thank you to race organizer and promoter Jared Loranger of Fizz Events, our Public Works and Parks and Recreation teams, our Police Department and all of the community volunteers for making this a great event!

- The Great Escape: City of Oak Harbor Marina released the Coho Salmon we have been caring for in partnership with the Washington State Department of Fish and Wildlife this past Saturday May 3rd. It has been our honor to help in the rearing of the salmon and hope that many will return to our waters. Thank you as well to members of the Swinomish Tribal Community for their participation.

- Save the dates for these upcoming events:

    - We received notice yesterday that Senator Muzzall and Representatives Paul and Shavers are holding a virtual Town Hall meeting at the same date and time that we had scheduled the next Pathways to Stability Task Force meeting, May 13, 2025. We will move our meeting to another date. Please stay tuned for further announcements.

    - The Wright Blend – Coffee and Conversation with myself and members of City Staff will be held May 18th at 10 a.m. at Honeymoon Bay Coffee and Roasters, located at 1100 SW Bowmer Street, Suite A101. We had a great turnout at El Cazador for our last event and thank them for hosting!

    - Community Catch-Up – our next Community Catch-up will be held on May 22nd from 6:00-7:30 p.m. at our Public Works municipal shop.

    - Ever wonder what goes on behind the scenes to keep our community running smoothly? Here's your chance to find out! Meet & talk with the experts from engineering, streets, water, wastewater, solid waste, and more.

    - Bring the whole family! Meet the teams who work hard to make our streets safer, water cleaner, trash taken away, and facilities maintained. Take a tour of the big Public Works trucks! Kids (and adults) can get up close!

- And Did You Know: Our very own City Clerk, Julie Nester, is the Town Crier for the City of Anacortes, which she calls home. She is pictured here with her husband Keith and Anacortes’ Mayor Miller at a recent community dedication event. Julie has been with the City of Oak Harbor for five (5) years now and we are surprising her tonight by presenting her with her five-year pin.

b. Councilmembers

Councilmembers Stucky, Armes, Woessner, Marrow, and Mayor Pro Tem Hizon provided their respective comments.

Councilmember Stucky noted the need to post the postponement of the Pathways to Stability Task Force meeting and notify the Whidbey News-Times. He inquired whether it would be possible to do another employee morale survey. City Administrator Combs noted staff had voiced some concerns with past surveys in sharing personal information or information that would identify them or their department, and concerns over creation of a potential public record and sharing this with the public. This would also need to be submitted to the unions. Councilmember Stucky inquired whether a third-party contractor could be used to conduct a survey. Mayor Wright noted he had no issue with conducting an employee morale survey but would need to first meet with Human Resources Director Emma House to review procedures and elements. Councilmember Stucky also inquired whether Captain Barton could speak to the public comment given regarding ICE and whether the Oak Harbor Police Department has any involvement.

Police Captain Barton stated the Oak Harbor Police Department (OHPD) does work with its federal partners but takes no active role under our State guidelines. OHPD does not interfere with the federal officers, and provides no information to them, and offers no cooperation, but cannot stop them..

Councilmember Armes reported the release of the Coho salmon raised at the City of Oak Harbor Marina was well-attended. Members of the Swinomish Tribe participated and blessed the salmon. The goal of the program is for the salmon to return as adults to these waters.

Councilmember Woessner suggested that perhaps the Municipal Resources Service Center (MRSC) could be used to assist in an employee morale survey. He noted it was difficult for the Council to address any potential concerns raised in an anonymous survey. Councilmember Woessner noted the Council, and the Mayor were making an effort to make things better and this was a way to gauge how they were doing. Mayor Wright fully agreed and supported transparency, and the use of a third-party consultant.

Councilmember Marrow inquired when the last employee morale survey was conducted. Mayor Wright and members of the Council noted it was between two and three years ago.

Mayor Pro Tem Hizon congratulated Mayor Wright on obtaining his Certificate of Municipal Leadership (CML) from the Association of Washington Cities. To receive the certificate, you must earn 30 CML credits and complete at least one training course in each of the five competency areas below. A minimum of five (5) credits in each competency area is highly recommended.

- Roles, responsibilities, and legal requirements (R) – focuses on elected official roles and responsibilities, legal issues, meeting management, and records management
- Public sector resource management (P) – focuses on fiscal, finance, and forecasting
- Community planning and development (C) – focuses on land use, infrastructure, zoning, annexation, strategic planning, and economic development
- Effective local leadership (E) – focuses on soft skills, human resource development, and community outreach
- Diversity, equity, inclusion, and belonging (D) – focuses on ways to build more equitable communities

Mayor Pro Tem Hizon noted Councilmember Marshall received his CML last year as well.

## 6. PUBLIC HEARINGS & MEETINGS

a. Ordinance No. 2020: Proposed code amendments to Oak Harbor Municipal Code Sections 19.08.120 and 19.08.676

Senior Planner Lindenburg reviewed the proposed amendments and draft changes to Section 19.08 "Definitions" of the Oak Harbor Municipal Code (OHMC) describing definitions for building lines and daycares. He explained that two definitions within Title 19.08 of the OHMC are up for review to address potential confusion and conflict with state regulations.

"Building Line" definition - Recently, several building permits were submitted to City staff for review that were denied because of designs that included fireplaces intruding into the side yard setback. The applicant asked staff to investigate allowing for relief to setback requirements in certain cases, including the construction of fireplaces in single-family homes, stating that it was not typical in some nearby cities. After research, staff found that some Washington peer municipalities allow for intrusion of fireplaces, bay windows and other features into setback areas, while the OHMC only allows for eaves in the setback. Currently, the amount of intrusion for eaves is three (3) feet, which is more than is typically allowed by other communities.

Senior Planner Lindenburg noted there are situations where an intrusion into the setback is appropriate and still maintains the intent of the regulation. Staff recommends the definition of "building line" in OHMC 19.08 be amended to allow for certain architectural features and fireplaces to intrude into the setback area. Living spaces such as bay windows are intentionally not permitted to intrude as those areas include windows and living space and should still abide by the existing regulations. The proposed revision to the definition would allow other features beside eaves to intrude into the setback area up to two (2) feet. This would be in line with other nearby jurisdictions and address the realities of the smaller lots of today's developments.

"Daycare" definition - As a result of a recent application for a new daycare facility within the City, staff discovered a potential discrepancy between the outdoor play area requirements set forth within OHMC 19.08 "Definitions" and what is required by the State of Washington. Staff endorses the state regulations as better serving the community based on the expertise of those charged with the regulation of childcare facilities. Staff have provided a revised definition that moves away from regulating the amount of outdoor play area for daycare facilities and instead follows the standards set by the state.

This proposed language for the code amendments was presented to the Planning Commission, who forwarded a positive recommendation to the Council at their April 8, 2025 public hearing. Public notice was given of this hearing per the standards found in the OHMC. The process also included a ten (10) day expedited review notification to the Department of Commerce. The City has received no comments from this process. A SEPA checklist was prepared, and a Determination of Non-Significance was issued with zero comment or appeal from the public.

Mayor Wright opened the public hearing and confirmed no comments had been received. He requested comments from those members of the public in attendance. Hearing none, he closed the public hearing and called on the Council for their comments.

Councilmember Marshall noted the ordinance excluded bay windows but inquired about a "garden" window.

Senior Planner Lindenburg noted those projections must be three feet from the property line.

**Motion**: Mayor Pro Tem Hizon moved to approve Ordinance No. 2020 adopting changes to Oak Harbor Municipal Code (OHMC) Title 19.08. Councilmember Wiegenstein seconded the motion, which passed unanimously.

b. Ordinance No. 2021: Amendment No. 1 to the 2025-2026 Biennial Budget

Finance Manager Webster reviewed the proposed amendment, assisted by Deputy City Administrator and Finance Director Goldman. She explained this was a mid-year "true-up" budget amendment that considers City Council actions and annual grants that have occurred year-to-date, as well as new items.

A budget amendment is when the overall amount of a fund's budgeted appropriation increases. Amendments require a public hearing and approval of an ordinance. A budget adjustment is the movement of an existing budget appropriation within a fund with no increase in the overall fund's budget appropriation.

Amendments:

- 2025 and 2026: $16,700 grant funds for Axon Body-Worn and Digital Evidence Storage to amend the General Fund (Fund 001) budget for Axon Body-Worn and Digital Evidence Storage Five (5) -year contract using Department of Justice (DOJ) Small Rural Tribal Body Worn Camera (BWC) grant funds. This was presented to and approved by the City Council on December 17, 2024.
- 2025: $201,156 of fund balance from: Arterial Capital Projects Fund, Streets Capital Projects Fund, Transportation Impact Fees Fund, and Water Capital Projects Fund for the additional 10% contingency for NE 7th Ave Reconstruction Project.

Adjustments:

- 2025: $69,700 use of General Fund (Fund 001) ending fund balance for the Impact Fee Study under Contract with FCS, a Bowman Company, using General Fund ending fund balance. This was presented to and approved by the City Council on December 17, 2024.
- 2025: $35,300 use of Water Fund (Fund 401) ending net position for Cathodic Protection System for the City's North Water Reservoir. This was presented to and approved by the City Council on January 21, 2025.
- 2025: $13,800 use of General Fund (Fund 001) ending fund balance for Outfitting of two (2) 2024 Chevrolet Blazer Electronic Vehicle (EV) Sport Utility Vehicles (SUVs). This was presented to and approved by the City Council on January 21, 2025..
- 2025: $40,000 use of General Fund (Fund 001) ending fund balance for $30,000 Public Safety Facility Feasibility Study and $10,000 Earnest Money Deposit. This was presented to and approved by the City Council on February 18, 2025.

New and/or Previously Discussed Items:

- 2025: $390,000 use of General Fund (Fund 001) ending fund balance for $295,000 for the five (5) police officers and $95,000 one-time purchase of equipment that will be partially funded by the DOJ COPS Hiring Grant. Grant revenues were included in the 2025-26 Biennial Budget which had the effect of increasing the ending fund balance. This adjustment is simply to use those funds for the purpose they were intended for in addition to allocating matching funds.
- 2025: $128,000 use of General Fund (Fund 001) ending fund balance for the purchase of four (4) vehicles and pieces of equipment as follows:
  - $48,000 - Vehicle/ Equipment - Ford Pickup 4WD for the Development Services Department
  - $48,000 - Vehicle / Equipment - Gator 202A Half Cab for Parks Operations
  - $10,000 - Vehicle / Equipment - Buffalo Turbine Blower for Parks Operations
  - $22,000 - Vehicle / Equipment - Overseed Attachment for Parks Operations

Per the City's financial policies, individual vehicles and equipment equal to or over $50,000 are included in the Capital Budget, while if they are under $50,000 they are included in the Operating Budget. A list of vehicles and equipment totaling $342,500 was inadvertently left out of the budget process. After careful review with a focus on efficiency, resource sharing, and field improvement, we have reduced the request by $215,400 down to $128,000.

- 2025: $30,200 use of General Fund (Fund 001) ending fund balance for the biohazardous homeless encampment environmental cleanup at NE 7th Avenue and Freund Marsh. The source of funding for this will be the Opioid Settlement Funds that the City has previously received.
- 2026: $625,000 use of General Fund balance for the 5 police officers partially funded by DOJ COPS Grant. Grant revenues were budgeted in 2025-26 Biennial Budget.
- 2026: $31,200 use of General Fund (Fund 001) ending fund balance for anticipated biohazardous homeless encampment environmental cleanup activities. The source of funding for this will be the Opioid Settlement Funds that the City has previously received.

Finance Manager Webster displayed a chart of the budgeted ending fund balance summary for 2025 and a chart showing the effect of the budgeting adjustments for the ending balance summary for 2026.

Mayor Wright opened the public hearing and confirmed no comments had been received. He invited members of the public to provide comments. Hearing none, he closed the public hearing and called on the Council for their questions and comments.

Councilmembers Marrow, Woessner, Marshall and Mayor Pro Tem Hizon provided their respective questions and comments.

**Motion**: Councilmember Marrow moved to adopt Ordinance No. 2021 Budget Amendment No. 1 amending the 2025-2026 Biennial Budget; adopting an updated wage and salary schedule and plan of classification. Mayor Pro Tem Hizon seconded the motion, which passed by a vote of 5-2 with Councilmembers Marshall and Woessner opposed.

## 7. ORDINANCES & RESOLUTIONS

None

## 8. CONTRACTS & AGREEMENTS

None

## 9. OTHER ITEMS FOR CONSIDERATION

a. Funding Authorization for Pacific Northwest Chalkfest – Whidbey Island 2026

Parks and Recreation Director Smith reviewed the item. He explained this was a funding authorization for an additional $23,000 from Creative Arts Fund 115 to supplement the Pacific Northwest ChalkFest - Whidbey Island 2026 event. If approved, staff will include this amount in a forthcoming budget amendment. This item was reviewed during the April 22, 2025 City Council Workshop.

The festival event will be accomplished with the help of an event management firm. It was moved to the summer of 2026 to allow for additional planning and preparation needed to include international artists. Director Smith explained the event would be a great tourism attraction and a platform for local artists. As many as 3,000 attendees are anticipated daily. The festival has separate categories for "copyists," who reproduce famous paintings; "free artists," who create original two-dimensional works;

and 3-D artists, whose work may be realistic or fantastical. The festival will also make room for children, teens and amateurs.

Event Budget:

- Festival Costs: $5,000 (permits, supplies, vendors)
- Artists: $40,000 (artists fee, travel, accommodations, materials)
- Marketing & Promotion: $5,000 (print, digital, social media ads, local media)
- Event Production & Management: $25,000 (securing talent, hotel rooms, airport transportation, staff, insurance, and event logistics, event infrastructure: tents, signage, chalk, supplies etc.)

Total Budget: $75,000

Funding Allocation:

- Lodging Tax Advisory Committee (LTAC): Grant awarded $17,000, approved by the City Council on November 19, 2024
- Creative Arts Fund: Budgeted $35,000
- Additional Funding Request: $23,000 from Creative Arts Fund Balance, which is $202,287.

Director Smith noted the additional funding will also allow the City to provide Promotion, Music Entertainment, Food Trucks, Port-a-lets, Kid Zone to do chalk art and other supplemental Festival Activities.

Mayor Wright confirmed no public comments had been received and requested any comments from the public in attendance. Hearing none, he called on the Council for their comments.

Mayor Pro Tem Hizon and Councilmembers Woessner, Marshall, Stucky, and Marrow provided their respective questions and comments.

**Motion**: Councilmember Marrow moved to approve authorized the use of the Creative Arts Fund in the additional amount of $23,000 to supplement the Pacific Northwest ChalkFest - Whidbey Island 2026 event. Councilmember Armes seconded the motion, which passed unanimously.

## 10. REPORTS & DISCUSSION ITEMS

None.

## 11. EXECUTIVE SESSION

None.

## ADJOURN

There being no further business, Councilmember Wiegenstein moved to adjourn the meeting, seconded by Councilmember Woessner. The vote on the motion was unanimous, therefore the meeting was adjourned at 6:50 p.m.

Certified by Julie Nester, City Clerk

**CITY OF OAK HARBOR** **Bill No.** 4.b
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Approval of Payroll and Accounts Payable Vouchers
**Submitted By:** Ashley Ramos, Accounting Manager

**RECOMMENDED ACTION**
Approval of Accounts Payable Vouchers and Payroll Checks - See Voucher numbers listed in attachments and Check numbers listed on the agenda bill. Oak Harbor Municipal Code Chapter 3.72 establishes procedures for claims (Vouchers) payment. The determination that supports the signature coversheets is attached. Claim coversheets will be provided prior to the City Council meeting for appropriate signatures.

**BACKGROUND / SUMMARY INFORMATION**
**Accounts Payable**

May 2, 2025
Checks #199861-199921 totaling $411,730.72 (Voucher List 5a)

May 7, 2025
Checks #250-253 totaling $106,029.77 (Voucher List 5b)

May 9, 2025
Checks #199922-200012 totaling $559,789.07 (Voucher List 5c)

**LEGAL AUTHORITY**
N/A

**FISCAL IMPACT**
N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**
N/A

**ATTACHMENTS**
1. voucher list - 5a
2. voucher list - 5b
3. voucher list - 5c

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199861 | 5/2/2025 | 0010560 ALL PRO BUILDING MAINTENANCE | 56801 | | JANITORIAL SERVICE - APRIL 2025 | 5,529.00 |
| | | | 56887 | | FLOOR STRIP & WAX - CWF | 4,083.75 |
| | | | | | **Total :** | **9,612.75** |
| 199862 | 5/2/2025 | 0004019 ASSOCIATED PETROLEUM PRODUCTS | 25-351976 | | DIESEL & GAS | 12,920.47 |
| | | | | | **Total :** | **12,920.47** |
| 199863 | 5/2/2025 | 0000159 AT&T MOBILITY | x04242025 | | CURRENT WIRELESS CHARGES | 91.35 |
| | | | | | **Total :** | **91.35** |
| 199864 | 5/2/2025 | 0001489 ATCO INTERNATIONAL | I0641454 | | PURE & SIMPLE | 238.65 |
| | | | | | **Total :** | **238.65** |
| 199865 | 5/2/2025 | 0010139 BUTLER, MATTHEW | 04242025 | | REIMBURSEMENT | 125.35 |
| | | | | | **Total :** | **125.35** |
| 199866 | 5/2/2025 | 0011631 CABLE, MISTY | 85628191 | | REFUND - FREEDOM PARK ARBOR | 5.00 |
| | | | 85628227 | | REFUND - FREEDOM PARK ARBOR | 5.00 |
| | | | 85628258 | | REFUND - FREEDOM PARK ARBOR | 5.00 |
| | | | 85628283 | | REFUND - FREEDOM PARK ARBOR | 5.00 |
| | | | | | **Total :** | **20.00** |
| 199867 | 5/2/2025 | 0007943 CAUFFMAN, GIDEON | 04292025 | | FIX A FLAT & AIR | 31.68 |
| | | | | | **Total :** | **31.68** |
| 199868 | 5/2/2025 | 0000193 COMMERCIAL FIRE PROTECTION | 74405 | | FDC PIPE REPAIR | 2,192.44 |
| | | | | | **Total :** | **2,192.44** |
| 199869 | 5/2/2025 | 0011538 CRYSTAL SPRINGS | 24712216 022625 | | COOLER RENTAL | 4.36 |
| | | | 24712216 042325 | | COOLER RENTAL | 4.36 |
| | | | | | **Total :** | **8.72** |
| 199870 | 5/2/2025 | 0010330 CWT, LLC | 36642 | | WA SPILL CONTROL WKSHP | 6,525.00 |
| | | | | | **Total :** | **6,525.00** |
| 199871 | 5/2/2025 | 0011627 DAVID P. WILSON CO., INC | 8744 | | AEROVENT REPL BERINGS & ROT( | 25,489.13 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199871 | 5/2/2025 | 0011627 0011627 DAVID P. WILSON CO., INC | (Continued) | | **Total :** | **25,489.13** |
| 199872 | 5/2/2025 | 0010699 DEPARTMENT OF ENTERPRISE SERV. | 16147176 | | LESO 1033 PRG ANNL PART 1/25-12 | 600.00 |
| | | | | | **Total :** | **600.00** |
| 199873 | 5/2/2025 | 0000247 DIAMOND SITE SERVICES | 1-617711-41 | | PORTABLE RENTAL | 140.00 |
| | | | 1-644398 | | PORTABLE RENTAL | 225.00 |
| | | | 1-644400 | | PORTABLE RENTAL | 225.00 |
| | | | | | **Total :** | **590.00** |
| 199874 | 5/2/2025 | 0006984 ECOLUBE RECOVERY, LLC | 2812031125 | | USED OIL | 208.00 |
| | | | | | **Total :** | **208.00** |
| 199875 | 5/2/2025 | 0011543 EUROFINS ENVIRONMENT TESTING, N | 25-10575 | | WATER TESTING: BACTERIA | 156.00 |
| | | | 25-10649 | | CWF TESTING - TOC | 70.00 |
| | | | 25-11256 | | WATER TESTING: BACTERIA | 156.00 |
| | | | 25-11889 | | WATER TESTING: BACTERIA | 182.00 |
| | | | AEJ0042 | | WATER TESTING: DRINKING WATE | 805.00 |
| | | | MFB0012 | | BIOSOLIDS TESTING | 75.00 |
| | | | MFD0032 | | BIOSOLIDS TESTING | 75.00 |
| | | | | | **Total :** | **1,519.00** |
| 199876 | 5/2/2025 | 0010747 FINKLE, MACALLE | 05142025 | | PER DIEM - TYLER CONNECT 2025 | 219.00 |
| | | | | | **Total :** | **219.00** |
| 199877 | 5/2/2025 | 0000314 FISHERIES SUPPLY COMPANY | 7201917 | | LIGHT FOR WATERLOO | 24.00 |
| | | | | | **Total :** | **24.00** |
| 199878 | 5/2/2025 | 0000937 FREIGHTLINER NORTHWEST | SR302034743:01 | | OIL LEAK IN COOLANT REPAIR - E8 | 7,826.47 |
| | | | | | **Total :** | **7,826.47** |
| 199879 | 5/2/2025 | 0000349 GRAINGER | 9481197516 | | MANUAL GREASE GUN QTY2 | 98.21 |
| | | | 9481423623 | | PRESSURE WASHER SPRAY NOZZ | 111.64 |
| | | | 9485873062 | | PRESSURE GUAGE | 269.82 |
| | | | | | **Total :** | **479.67** |
| 199880 | 5/2/2025 | 0000345 GREATER OAK HBR CHAMBER OF COM | 30543 | | VISITOR CTR OP GRANT 2025 | 9,208.33 |
| | | | 30544 | | BUS WRAP | 1,024.60 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199880 | 5/2/2025 | 0000345 GREATER OAK HBR CHAMBER OF COM | (Continued) | | | |
| | | | 30546 | | WESTERN DISPLAY FIREWORKS 4 | 6,250.00 |
| | | | | | **Total :** | **16,482.93** |
| 199881 | 5/2/2025 | 0002747 GUARDIAN SECURITY | 1603574 | | FIRE SYSTEM - MARINA | 588.60 |
| | | | | | **Total :** | **588.60** |
| 199882 | 5/2/2025 | 0002596 HABITAT FOR HUMANITY, OF ISLAND C | PERMIT FEE REFUND | | PERMITS 2409-0628 TO 2409-0630 | 622.44 |
| | | | | | **Total :** | **622.44** |
| 199883 | 5/2/2025 | 0011399 HANSON, JACQUELINE | 04192025 | | REIMBURSEMENT - TULIP FESTIVA | 45.69 |
| | | | | | **Total :** | **45.69** |
| 199884 | 5/2/2025 | 0000323 HD FOWLER COMPANY | I6979535 | | ANGLE BALL VALVE QTY 6 | 1,560.79 |
| | | | | | **Total :** | **1,560.79** |
| 199885 | 5/2/2025 | 0003095 HOME DEPOT CREDIT SERVICES | 1022783 | | CREDIT CARD PURCHASES | 128.73 |
| | | | 2624664 | | CREDIT CARD PURCHASES | 118.81 |
| | | | 3082745 | | CREDIT CARD PURCHASES | -143.79 |
| | | | 4022496 | | CREDIT CARD PURCHASES | 236.69 |
| | | | 4522209 | | CREDIT CARD PURCHASES | 32.67 |
| | | | 4523503 | | CREDIT CARD PURCHASES | 43.57 |
| | | | 4523517 | | CREDIT CARD PURCHASES | 40.78 |
| | | | 514236 | | CREDIT CARD PURCHASES | 95.47 |
| | | | 522832 | | CREDIT CARD PURCHASES | 54.37 |
| | | | 613965 | | CREDIT CARD PURCHASES | 22.57 |
| | | | 6621238 | | CREDIT CARD PURCHASES | 197.10 |
| | | | 6621239 | | CREDIT CARD PURCHASES | 13.04 |
| | | | 6902618 | | CREDIT CARD PURCHASES | 8.14 |
| | | | 7902569 | | CREDIT CARD PURCHASES | 10.87 |
| | | | 8510418 | | CREDIT CARD PURCHASES | 35.88 |
| | | | 8902421 | | CREDIT CARD PURCHASES | 38.12 |
| | | | 8903490 | | CREDIT CARD PURCHASES | 143.79 |
| | | | 9611930 | | CREDIT CARD PURCHASES | 111.08 |
| | | | | | **Total :** | **1,187.89** |
| 199886 | 5/2/2025 | 0001469 INTERNATIONAL CODE COUNCIL | Q15.000031106 | | MEMBER #418500 - RENEWAL | 170.00 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199886 | 5/2/2025 | 0001469 0001469 INTERNATIONAL CODE COUNCIL (Continued) | | | **Total :** | **170.00** |
| 199887 | 5/2/2025 | 0011634 JAMES, HEATHER | 85916871 | | REFUND - RUGBY CLININC | 35.00 |
| | | | | | **Total :** | **35.00** |
| 199888 | 5/2/2025 | 0000454 JET CITY EQUIPMENT RENTAL | 51579 | | DUMP - BRUSH & STUMP | 32.64 |
| | | | 51590 | | DUMP - BRUSH & STUMP | 35.36 |
| | | | 51600 | | DUMP - BRUSH & STUMP | 32.64 |
| | | | 51868 | | DUMP - BRUSH & STUMP | 124.03 |
| | | | 51897 | | DUMP - BRUSH & STUMP | 167.93 |
| | | | | | **Total :** | **392.60** |
| 199889 | 5/2/2025 | 0000476 KERR, JACK | 04-25 | | PUBLIC DEFENSE SCREENING - AF | 1,700.00 |
| | | | | | **Total :** | **1,700.00** |
| 199890 | 5/2/2025 | 0011451 KIMLEY-HORN ASSOCIATES, INC. | 31582505 | | OAK HARBOR COMP PLAN | 3,016.80 |
| | | | | | **Total :** | **3,016.80** |
| 199891 | 5/2/2025 | 0011191 LABCONCO CORPORATION | K00000024742 | | BASE WASHER ARM QTY 2 | 38.91 |
| | | | | | **Total :** | **38.91** |
| 199892 | 5/2/2025 | 0000494 LAKESIDE INDUSTRIES | 310840 | | ASPHALT | 747.58 |
| | | | | | **Total :** | **747.58** |
| 199893 | 5/2/2025 | 0000979 LES SCHWAB | 41400777770 | | NEW TIRES QTY 2, RETREAD QTY | 7,115.42 |
| | | | 41400778552 | | AXLE, CONTROL ARM, INSTALLATI( | 848.54 |
| | | | | | **Total :** | **7,963.96** |
| 199894 | 5/2/2025 | 0000515 LOGGERS & CONTRACTORS, INC | 83718 | | HOSE TOUGH COVER QTY 100 | 1,054.91 |
| | | | 83726 | | WOVEN SLEEVE FOR HOSE QTY 5 | 380.26 |
| | | | | | **Total :** | **1,435.17** |
| 199895 | 5/2/2025 | 0011594 MARLIN LEASING CORPORATION | 40370823 | | CONTRACT 101-4121532-001 | 159.81 |
| | | | | | **Total :** | **159.81** |
| 199896 | 5/2/2025 | 0011597 MARLIN LEASING CORPORATION | 40448361 | | COPIER LEASE 471-4128518-001 | 1,291.88 |
| | | | | | **Total :** | **1,291.88** |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199897 | 5/2/2025 | 0011598 MARLIN LEASING CORPORATION | 40444651 | | CONTRACT 471-4121532-006 | 321.56 |
| | | | | | **Total :** | **321.56** |
| 199898 | 5/2/2025 | 0011630 MATHEWS, LOIS | 85673639 | | REFUND DAY TRIP - SAM & MOHAI | 115.00 |
| | | | | | **Total :** | **115.00** |
| 199899 | 5/2/2025 | 0003176 NATIONAL SAFETY, INC | 0756247-IN | | ORANGE CLASS 3 QTY 5, DRVR KE | 95.48 |
| | | | 0756530-IN | | GLOVES W/HIVIS QTY 12 | 265.52 |
| | | | | | **Total :** | **361.00** |
| 199900 | 5/2/2025 | 0011632 NAVY LEAGUE OF THE, UNITED STATES | NLUS 2025 | | NAVY LEAGUE OF US - MEMBERSH | 460.00 |
| | | | | | **Total :** | **460.00** |
| 199901 | 5/2/2025 | 0000612 NELSON PETROLEUM | 0888635-IN | | DEF FLUID BULK QTY 105 | 301.00 |
| | | | | | **Total :** | **301.00** |
| 199902 | 5/2/2025 | 0000610 NORTH CENTRAL LABORATORIES | 516663 | | SEWAGE TRT PLANT TEST SUPPLI | 401.91 |
| | | | 518682 | | SEWAGE TRT PLANT TEST SUPPLI | 1,540.26 |
| | | | | | **Total :** | **1,942.17** |
| 199903 | 5/2/2025 | 0001218 PBY MEMORIAL FOUNDATION | 37 | | SUPPORTING PBY NAVAL AIR MUS | 2,380.00 |
| | | | | | **Total :** | **2,380.00** |
| 199904 | 5/2/2025 | 0005388 PCM HOLDINGS | FIN4302025PCM | | REIMBURSE BALANCE HYDRANT D | 1,420.00 |
| | | | | | **Total :** | **1,420.00** |
| 199905 | 5/2/2025 | 0000743 PUGET SOUND ENERGY | 04182025 | | ELECTRICITY | 36.68 |
| | | | | | **Total :** | **36.68** |
| 199906 | 5/2/2025 | 0011629 QUIRK, EDWARD | 85764880 | | REFUND DAY TRIP - ALKI POINT LI | 90.00 |
| | | | 85765069 | | REFUND DAY TRIP - ALKI POINT LI | 90.00 |
| | | | | | **Total :** | **180.00** |
| 199907 | 5/2/2025 | 0011537 RAMOS, ASHLEY | 05142025 | | PER DIEM - TYLER CONNECT | 219.00 |
| | | | | | **Total :** | **219.00** |
| 199908 | 5/2/2025 | 0011628 SETH, CAROL | 85701290 | | REFUND DAY TRIP - NEWSIES | 95.00 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199908 | 5/2/2025 | 0011628 0011628 SETH, CAROL | (Continued) | | **Total :** | **95.00** |
| 199909 | 5/2/2025 | 0000846 SOUND PUBLISHING, INC | WNT1012253 | | CITY NOTICES | 81.00 |
| | | | WNT1012359 | | CITY NOTICES | 70.50 |
| | | | | | **Total :** | **151.50** |
| 199910 | 5/2/2025 | 0003883 STAPLES BUSINESS ADVANTAGE | 6029658832 | | OFFICE SUPPLY PURCHASES | 126.84 |
| | | | 6029658833 | | OFFICE SUPPLY PURCHASES | 55.39 |
| | | | 6029658834 | | OFFICE SUPPLY PURCHASES | 52.51 |
| | | | 6029658835 | | OFFICE SUPPLY PURCHASES | 147.88 |
| | | | 6029658836 | | OFFICE SUPPLY PURCHASES | 52.51 |
| | | | | | **Total :** | **435.13** |
| 199911 | 5/2/2025 | 0000874 SURETY PEST CONTROL | 266517103 | | PEST CONTROL | 68.67 |
| | | | 266517104 | | PEST CONTROL | 85.02 |
| | | | 266517105 | | PEST CONTROL | 59.95 |
| | | | 266517106 | | PEST CONTROL | 83.93 |
| | | | 266517107 | | PEST CONTROL | 70.85 |
| | | | 266518138 | | PEST CONTROL | 56.68 |
| | | | 266518139 | | PEST CONTROL | 82.84 |
| | | | | | **Total :** | **507.94** |
| 199912 | 5/2/2025 | 0009169 THOMAS, GERI | 04292025 | | APR SITE MANAGING SERVICES | 100.00 |
| | | | | | **Total :** | **100.00** |
| 199913 | 5/2/2025 | 0000287 TYLER TECHNOLOGIES, INC | 045-515083 | | ERP MIGRATION PROJECT | 800.00 |
| | | | 045-516267 | | ERP MIGRATION PROJECT | 800.00 |
| | | | | | **Total :** | **1,600.00** |
| 199914 | 5/2/2025 | 0000922 UNUM LIFE INSURANCE COMPANY | 0220603-0256 | | LONG TERM CARE - MAY 2025 | 601.08 |
| | | | | | **Total :** | **601.08** |
| 199915 | 5/2/2025 | 0004506 VALDEZ CONSTRUCTION | 1 | | FIRE STATION NO. 82 | 280,301.66 |
| | | | | | **Total :** | **280,301.66** |
| 199916 | 5/2/2025 | 0000932 VERIZON WIRELESS | 6110545436 | | CURRENT WIRELESS CHARGES | 8,220.42 |
| | | | | | **Total :** | **8,220.42** |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199917 | 5/2/2025 | 0011373 VESTIS SERVICES, LLC | 6560555881 | | UNIFORM RENTAL | 26.51 |
| | | | 6560555882 | | UNIFORM RENTAL | 16.34 |
| | | | 6560555883 | | UNIFORM RENTAL | 27.86 |
| | | | 6560555884 | | UNIFORM RENTAL | 46.23 |
| | | | 6560555885 | | UNIFORM RENTAL | 16.34 |
| | | | 6560555886 | | UNIFORM RENTAL | 37.46 |
| | | | 6560556796 | | UNIFORM RENTAL | 94.30 |
| | | | 656055880 | | UNIFORM RENTAL | 18.74 |
| | | | | | **Total :** | **283.78** |
| 199918 | 5/2/2025 | 0001052 WASHINGTON STATE PATROL | I2506154 | | BACKGROUND CHECKS - APRIL 20 | 264.00 |
| | | | | | **Total :** | **264.00** |
| 199919 | 5/2/2025 | 0001000 WHIDBEY AUTO PARTS, INC. | 044243 | | MIRROR | 15.09 |
| | | | | | **Total :** | **15.09** |
| 199920 | 5/2/2025 | 0001014 WHITNEY EQUIPMENT COMPANY, INC | PS-INV112040 | | DRIVE MODULE QTY 2, CONTROL I | 4,456.53 |
| | | | | | **Total :** | **4,456.53** |
| 199921 | 5/2/2025 | 0000355 ZIPLY FIBER | 360-279-9874 | | CURRENT PHONE CHARGES - CH | 126.96 |
| | | | 360-679-1651 | | CURRENT PHONE CHARGES - CH | 77.02 |
| | | | 360-679-2530 | | COMBINED PHONE CHARGES | 596.47 |
| | | | | | **Total :** | **800.45** |

**61 Vouchers for bank code :** bank **Bank total :** **411,730.72**

**61 Vouchers in this report** **Total vouchers :** **411,730.72**

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 250 | 4/28/2025 | 0000960 REVENUE, WASHINGTON STATE DEPT | 03312025 | | EXCISE TAX | 63,791.75 |
| | | | | | **Total :** | **63,791.75** |
| 251 | 5/1/2025 | 0000950 LICENSING, WASHINGTON STATE DEP | 1Q 2025 | | Q1 2025 LEASEHOLD TAX | 41,388.02 |
| | | | | | **Total :** | **41,388.02** |
| 252 | 5/1/2025 | 0000950 LICENSING, WASHINGTON STATE DEP | 042825 | | CONCEALED PISTOL LICENSE | 600.00 |
| | | | | | **Total :** | **600.00** |
| 253 | 5/7/2025 | 0000950 LICENSING, WASHINGTON STATE DEP | 050225 | | DEALER LICENSES | 250.00 |
| | | | | | **Total :** | **250.00** |
| **4** | **Vouchers for bank code :** | bank | | | **Bank total :** | **106,029.77** |
| **4** | **Vouchers in this report** | | | | **Total vouchers :** | **106,029.77** |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199922 | 5/9/2025 | 0011206 AARDVARK | INV2500099 | | TACTICAL GEAR | 11,074.40 |
| | | | | | **Total :** | **11,074.40** |
| 199923 | 5/9/2025 | 0010560 ALL PRO BUILDING MAINTENANCE | 56939 | | JANITORIAL SERVICE - MAY 2025 | 5,529.00 |
| | | | | | **Total :** | **5,529.00** |
| 199924 | 5/9/2025 | 0011646 ANDERSON, JOSHUA DAVID | Ref000318974 | | UB Refund Cst #00184980 | 198.74 |
| | | | | | **Total :** | **198.74** |
| 199925 | 5/9/2025 | 0007839 ASHLEY'S DESIGN & LETTERMAN | 104884 | | 3 EMBROIDERED ITEMS | 81.75 |
| | | | | | **Total :** | **81.75** |
| 199926 | 5/9/2025 | 0010881 ASTOUND BUSINESS SOLUTIONS | 128008701-0011484 | | INTERNET | 807.84 |
| | | | | | **Total :** | **807.84** |
| 199927 | 5/9/2025 | 0011638 BELL, PATRICK | Ref000318965 | | UB Refund Cst #00153948 | 84.98 |
| | | | | | **Total :** | **84.98** |
| 199928 | 5/9/2025 | 0000097 BEST WESTERN HARBOR PLAZA | 112173 | | HOTEL ACCOMMODATIONS/GRIND | 226.07 |
| | | | | | **Total :** | **226.07** |
| 199929 | 5/9/2025 | 0011641 BEVERLY, JOSEPH | Ref000318969 | | UB Refund Cst #00184333 | 596.92 |
| | | | | | **Total :** | **596.92** |
| 199930 | 5/9/2025 | 0011642 BOZE, PATRICK | Ref000318970 | | UB Refund Cst #00184561 | 172.66 |
| | | | | | **Total :** | **172.66** |
| 199931 | 5/9/2025 | 0003008 BUD CLARY FORD HYUNDAI | 3RU819X | | 2024 FORD (3FTTW8J9XRRB07108) | 35,772.00 |
| | | | | | **Total :** | **35,772.00** |
| 199932 | 5/9/2025 | 0011207 CARDIO PARTNERS, INC. | 600018641 | | BATTERY QTY 3 | 704.42 |
| | | | | | **Total :** | **704.42** |
| 199933 | 5/9/2025 | 0011644 CHONG, SHAWNALEE | Ref000318972 | | UB Refund Cst #00184645 | 3.88 |
| | | | | | **Total :** | **3.88** |
| 199934 | 5/9/2025 | 0000172 CHRISTIANS TOWING STORAGE | 39018 | | TOWING SERVICES | 125.00 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199934 | 5/9/2025 | 0000172 0000172 CHRISTIANS TOWING STORAGE (Continued) | | | **Total :** | **125.00** |
| 199935 | 5/9/2025 | 0002000 CLARK'S NATIVE TREES & SHRUBS | 21791 | | SITKA SPRUCE QTY 5 | 218.60 |
| | | | | | **Total :** | **218.60** |
| 199936 | 5/9/2025 | 0010690 CLEARSTAR, INC | 1542846 | | EMPLOYEE SCREENING | 220.93 |
| | | | | | **Total :** | **220.93** |
| 199937 | 5/9/2025 | 0000188 CODE PUBLISHING COMPANY | GC00130110 | | ANNUAL WEB FEES/WEB UPDATE | 1,130.00 |
| | | | | | **Total :** | **1,130.00** |
| 199938 | 5/9/2025 | 0000247 DIAMOND SITE SERVICES | 1-644400-2 | | PORTABLE RENTAL - SKATE PARK | 225.00 |
| | | | | | **Total :** | **225.00** |
| 199939 | 5/9/2025 | 0011639 DIEHL, JOHN/MIST | Ref000318967 | | UB Refund Cst #00174244 | 65.05 |
| | | | | | **Total :** | **65.05** |
| 199940 | 5/9/2025 | 0006724 DIEKMAN POLYGRAPH INC. | 25-26 | | PRE-EMP PLYGRAPH - BURT | 300.00 |
| | | | | | **Total :** | **300.00** |
| 199941 | 5/9/2025 | 0011416 DONALDSON, JONATHAN OR KRISHELI | Ref000318242 | | UB Refund Cst #00179268 | 164.24 |
| | | | | | **Total :** | **164.24** |
| 199942 | 5/9/2025 | 0011543 EUROFINS ENVIRONMENT TESTING, N | 25-10989 | | CWF MONTHLY TESTING | 325.00 |
| | | | 25-11034 | | WATER TESTING: FLUORIDE SPLIT | 35.00 |
| | | | | | **Total :** | **360.00** |
| 199943 | 5/9/2025 | 0010999 FARALLON CONSULTING, LLC | 0056040 | | 1081 & 1091 SE PIONEER WAY | 3,207.46 |
| | | | | | **Total :** | **3,207.46** |
| 199944 | 5/9/2025 | 0011636 FAUNCE, BRUCE/DOROTHY | Ref000318963 | | UB Refund Cst #00126572 | 150.04 |
| | | | | | **Total :** | **150.04** |
| 199945 | 5/9/2025 | 0010810 FCS GROUP | 4106-22504054 | | PARK, TRANSPORTATION, FIRE & S | 955.00 |
| | | | | | **Total :** | **955.00** |
| 199946 | 5/9/2025 | 0010172 FERGUSON WATERWORKS | 0077017 | | SM29 DUCTILE LID QTY 10 | 2,071.00 |
| | | | 0077883 | | HYDRANT RE-LOCATION SUPPLIES | 8,277.51 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199946 | 5/9/2025 | 0010172 0010172 FERGUSON WATERWORKS | (Continued) | | **Total :** | **10,348.51** |
| 199947 | 5/9/2025 | 0006206 FIRE CHIEF EQUIPMENT | 0926921 | | 3 GAL KITCHEN SYSTEM MAINT | 616.43 |
| | | | | | **Total :** | **616.43** |
| 199948 | 5/9/2025 | 0000325 FRONTIER FORD | 151485 | | NUT ADJUSTING SCREW QTY 10 | 33.03 |
| | | | 151576 | | TRANSMISSION MOUNT | 141.54 |
| | | | | | **Total :** | **174.57** |
| 199949 | 5/9/2025 | 0011645 GAGE, KEVIN/TRACI | Ref000318973 | | UB Refund Cst #00184790 | 84.55 |
| | | | | | **Total :** | **84.55** |
| 199950 | 5/9/2025 | 0000329 GALLS | 031148716 | | POLO QTY 4 | 185.41 |
| | | | 031154363 | | POLO QTY 15 | 695.27 |
| | | | 031155022 | | POLO QTY 3 | 144.80 |
| | | | | | **Total :** | **1,025.48** |
| 199951 | 5/9/2025 | 0002767 GATEWAY CONTROLS, INC | 2025753 | | PROX CARDS QTY 200 | 1,691.14 |
| | | | | | **Total :** | **1,691.14** |
| 199952 | 5/9/2025 | 0000349 GRAINGER | 9454253247 | | ROTARY SURFACE CLEANER, HAN | 1,485.27 |
| | | | | | **Total :** | **1,485.27** |
| 199953 | 5/9/2025 | 0011652 GRINDY, SCOTT | 05022025 | | REIMBURSEMENT - INTERVIEW EX | 628.80 |
| | | | | | **Total :** | **628.80** |
| 199954 | 5/9/2025 | 0007078 HUMPHREY SIGN CO. | 251085 | | ENGRAVED PLAQUE | 24.27 |
| | | | 251118 | | YELLOW COROPLAS W/BLACK LET | 812.60 |
| | | | | | **Total :** | **836.87** |
| 199955 | 5/9/2025 | 0001307 INSIGHT PUBLIC SECTOR | 1101267886 | | ADOBE ACROBAT PRO - SUBSCRIF | 15,937.39 |
| | | | | | **Total :** | **15,937.39** |
| 199956 | 5/9/2025 | 0011589 INTOXIMETERS, INC. | 783843 | | AS FST 3A BRAC LOW LOSS, MOUT | 3,759.42 |
| | | | | | **Total :** | **3,759.42** |
| 199957 | 5/9/2025 | 0000410 ISLAND COUNTY SOLID WASTE | 2011719 | | SQG SMALL QUAN GEN ACCT #201 | 118.00 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199957 | 5/9/2025 | 0000410 0000410 ISLAND COUNTY SOLID WASTE (Continued) | | | **Total :** | **118.00** |
| 199958 | 5/9/2025 | 0000411 ISLAND COUNTY TREASURER | APRIL 2025 | | CRIME VICTIM ASSISTANCE FUNDS | 73.81 |
| | | | | | **Total :** | **73.81** |
| 199959 | 5/9/2025 | 0000415 ISLAND DISPOSAL | APRIL 2025 | | DUMPSTER CHARGES - APRIL (RO | 30,471.94 |
| | | | | | **Total :** | **30,471.94** |
| 199960 | 5/9/2025 | 0009632 JENNINGS EQUIPMENT, INC | 61371P | | V-BELT QTY 3 | 476.45 |
| | | | 61423P | | TRACTOR PARTS | 1,216.92 |
| | | | | | **Total :** | **1,693.37** |
| 199961 | 5/9/2025 | 0000454 JET CITY EQUIPMENT RENTAL | 51744 | | DUMP - BRUSH & STUMP | 32.64 |
| | | | 51752 | | DUMP - CONCRETE W/REBAR | 129.91 |
| | | | 51761 | | DUMP - ASPHALT | 32.64 |
| | | | 51762 | | DUMP - BRUSH & STUMP | 32.64 |
| | | | | | **Total :** | **227.83** |
| 199962 | 5/9/2025 | 0006362 KBA, INC | 3009449 | | PROJ: 02402001 NE 7TH AVE | 30,926.53 |
| | | | | | **Total :** | **30,926.53** |
| 199963 | 5/9/2025 | 0011564 KELLEY CREATE CO | CW64742 | | KELLEY IT COMPLETE - MAY SERV | 22,685.34 |
| | | | | | **Total :** | **22,685.34** |
| 199964 | 5/9/2025 | 0010634 KENYON DISEND, PLLC | 1096909 | | 345.00000 - GENERAL CITY ATTY AI | 17,117.14 |
| | | | 1096910 | | 345.00100 - PUBLIC RECORDS REC | 8,066.52 |
| | | | 1096911 | | 345.10000 - GENERAL LITIGATION | 261.00 |
| | | | 1096912 | | 345.20000 - WHIDBEY ENV ACTION | 10,438.07 |
| | | | 1096913 | | 345.20200 - WHIDVEY TEL FRANCH | 1,404.00 |
| | | | | | **Total :** | **37,286.73** |
| 199965 | 5/9/2025 | 0000494 LAKESIDE INDUSTRIES | 311900 | | ASPHALT | 404.25 |
| | | | | | **Total :** | **404.25** |
| 199966 | 5/9/2025 | 0011425 LANDSCAPE ARCHITECT, P.S., ROBER | 23039-07 | | OAK HARBOR PICKLEBALL COURT | 8,133.61 |
| | | | | | **Total :** | **8,133.61** |
| 199967 | 5/9/2025 | 0000889 LANGUAGE EXCHANGE | 502510 | | INTERPRETER SERVICE - BURMES | 452.00 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199967 | 5/9/2025 | 0000889 0000889 LANGUAGE EXCHANGE | (Continued) | | **Total :** | **452.00** |
| 199968 | 5/9/2025 | 0000505 LEFEBER TURF FARM, LLC | 14776 | | HYDROSEED FESCUE | 2,616.00 |
| | | | | | **Total :** | **2,616.00** |
| 199969 | 5/9/2025 | 0000979 LES SCHWAB | 41400779511 | | AIR INFLATOR | 72.01 |
| | | | | | **Total :** | **72.01** |
| 199970 | 5/9/2025 | 0011594 MARLIN LEASING CORPORATION | 40474113 | | CONTRACT 101-4121532-001 | 251.82 |
| | | | | | **Total :** | **251.82** |
| 199971 | 5/9/2025 | 0011596 MARLIN LEASING CORPORATION | 40420577 | | CONTRACT 471-4121532-005 | 332.46 |
| | | | | | **Total :** | **332.46** |
| 199972 | 5/9/2025 | 0011599 MARLIN LEASING CORPORATION | 40474114 | | CONTRACT 471-4121532-002 | 566.54 |
| | | | | | **Total :** | **566.54** |
| 199973 | 5/9/2025 | 0011643 MORGAN, EDWARD | Ref000318971 | | UB Refund Cst #00184632 | 275.49 |
| | | | | | **Total :** | **275.49** |
| 199974 | 5/9/2025 | 0000586 MOTOROLA SOLUTIONS, INC | 8282105670 | | BATTERY PACK, IMPRES GEN2, LI( | 1,184.26 |
| | | | 8282124896 | | APX8500 ALL BAND MP MOBILE QT | 18,470.62 |
| | | | | | **Total :** | **19,654.88** |
| 199975 | 5/9/2025 | 0011650 MUGUERZA, ANN C. | 86282548 | | REFUND - DANCE EXPRESSIONS 2 | 50.00 |
| | | | | | **Total :** | **50.00** |
| 199976 | 5/9/2025 | 0000612 NELSON PETROLEUM | 0889372-IN | | SPLIT 10K TANK CLEANING | 9,265.00 |
| | | | | | **Total :** | **9,265.00** |
| 199977 | 5/9/2025 | 0000610 NORTH CENTRAL LABORATORIES | 518967 | | SEWAGE TRT PLANT TEST SUPPLI | 83.79 |
| | | | | | **Total :** | **83.79** |
| 199978 | 5/9/2025 | 0000676 OAK HARBOR POLICE DEPARTMENT | 04302025 | | OHPD PETTY CASH | 2.45 |
| | | | | | **Total :** | **2.45** |
| 199979 | 5/9/2025 | 0011651 PETRICK, TIMOTHY | 05022025 | | REIMBURSEMENT - INTERVIEW EX | 1,304.42 |
| | | | | | **Total :** | **1,304.42** |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199980 | 5/9/2025 | 0000724 PONY MAILING & BUSINESS CENTER | 691407 | | SHIPPING - PD | 13.92 |
| | | | | | **Total :** | **13.92** |
| 199981 | 5/9/2025 | 0000743 PUGET SOUND ENERGY | 04152025 | | ELECTRICITY | 6,182.77 |
| | | | 04252025 | | ELECTRICITY | 1,302.30 |
| | | | | | **Total :** | **7,485.07** |
| 199982 | 5/9/2025 | 0011647 RIDGEWAY HEIGHTS LLC | Ref000318975 | | UB Refund Cst #00185898 | 274.29 |
| | | | | | **Total :** | **274.29** |
| 199983 | 5/9/2025 | 0011424 RWC GROUP | RA116002254:02 | | FUEL SYSTEM REPAIR - #64 | 4,046.13 |
| | | | | | **Total :** | **4,046.13** |
| 199984 | 5/9/2025 | 0010813 SCHULLER, STEVE | 05222025 | | PER DIEM - STATION DESIGN CONI | 189.00 |
| | | | | | **Total :** | **189.00** |
| 199985 | 5/9/2025 | 0005967 SEATTLE AUTOMOTIVE DIST | S6-9920929 | | IGNITION - #56 | 53.14 |
| | | | | | **Total :** | **53.14** |
| 199986 | 5/9/2025 | 0008673 SKAGIT CYCLE | 27924 | | BRAKE PAD REPLACEMENT | 52.30 |
| | | | | | **Total :** | **52.30** |
| 199987 | 5/9/2025 | 0001668 SLOWIK, ANTHONY | 05222025 | | PER DIEM - STATION DESIGN CONI | 189.00 |
| | | | | | **Total :** | **189.00** |
| 199988 | 5/9/2025 | 0011635 SOUND KITCHEN AND BATH | FIN050525SKB | | REFUND BALANCE OF DEPOSIT | 2,000.00 |
| | | | | | **Total :** | **2,000.00** |
| 199989 | 5/9/2025 | 0000846 SOUND PUBLISHING, INC | WNT1010949 | | CITY NOTICES | 72.00 |
| | | | | | **Total :** | **72.00** |
| 199990 | 5/9/2025 | 0003897 SULLIVAN, KINDLE | 05212025 | | PER DIEM - MUNICON 2025 | 215.00 |
| | | | | | **Total :** | **215.00** |
| 199991 | 5/9/2025 | 0009834 SUNBELT RENTALS, INC | 165960134-0002 | | 12' TRAILER | 952.78 |
| | | | 167086949-0001 | | 16' TRAILER, UTILITY VEHICLE | 2,216.89 |
| | | | | | **Total :** | **3,169.67** |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 199992 | 5/9/2025 | 0000874 SURETY PEST CONTROL | 266516481 | | PEST CTRL - PUBLIC WORKS | 165.68 |
| | | | | | **Total :** | **165.68** |
| 199993 | 5/9/2025 | 0007736 SYSTEMS FOR PUBLIC SAFETY, INC | 49699 | | PA300 SERIES SIREN - #P10 | 565.57 |
| | | | 50109 | | TOUGHBOOK DOCKING STATION -i | 2,535.61 |
| | | | | | **Total :** | **3,101.18** |
| 199994 | 5/9/2025 | 0011637 TAKAOKA, MARK | Ref000318964 | | UB Refund Cst #00153813 | 175.62 |
| | | | | | **Total :** | **175.62** |
| 199995 | 5/9/2025 | 0010814 THE JOSEPH GROUP | Ref000318966 | | UB Refund Cst #00154072 | 10.47 |
| | | | | | **Total :** | **10.47** |
| 199996 | 5/9/2025 | 0000910 TRAFFIC SAFETY SUPPLY CO | INV079987 | | PERF SQUARE TUBE QTY 20 | 1,659.68 |
| | | | INV079988 | | RESERVED PARKING QTY 12 | 322.83 |
| | | | | | **Total :** | **1,982.51** |
| 199997 | 5/9/2025 | 0001053 TREASURER, WASHINGTON STATE | 05052025 | | STATE PORTION OF COURT FEES | 5,583.16 |
| | | | | | **Total :** | **5,583.16** |
| 199998 | 5/9/2025 | 0000287 TYLER TECHNOLOGIES, INC | 045-516992 | | ERP MIGRATION PROJECT | 2,400.00 |
| | | | | | **Total :** | **2,400.00** |
| 199999 | 5/9/2025 | 0006331 ULINE | 191825562 | | COLD CUPS - ARBOR DAY 2025 | 206.53 |
| | | | | | **Total :** | **206.53** |
| 200000 | 5/9/2025 | 0006156 US POSTAL SERVICE - NEOPOST, POS | 05062025 | | POSTAGE - #8069638 | 3,000.00 |
| | | | | | **Total :** | **3,000.00** |
| 200001 | 5/9/2025 | 0000934 UTILITIES UNDERGROUND LOCATION | 4110201 | | EXCAVATION NOTIFICATIONS: NOV | 110.88 |
| | | | | | **Total :** | **110.88** |
| 200002 | 5/9/2025 | 0004506 VALDEZ CONSTRUCTION | 2 | | FIRE STATION NO. 82 | 238,197.09 |
| | | | | | **Total :** | **238,197.09** |
| 200003 | 5/9/2025 | 0010989 VONHADEN, REBECCA | 050125 | | REIMBURSEMENT - EXAM FEE | 50.00 |
| | | | | | **Total :** | **50.00** |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 200004 | 5/9/2025 | 0003067 WAIF | 1460 | | APR 2025 CITY CONTRACT W/ WAI | 5,021.67 |
| | | | | | **Total :** | **5,021.67** |
| 200005 | 5/9/2025 | 0009906 WENDELL, GREG | 04/03/2024 | | PER DIEM: WSNIA CONFERENCE | 288.00 |
| | | | | | **Total :** | **288.00** |
| 200006 | 5/9/2025 | 0010743 WES SPUR TREE EQUIPMENT, INC | CM-67158 | | RETURN DEFECTIVE SAW | -243.08 |
| | | | IN-2712469 | | CARABINER QTY 3 | 81.59 |
| | | | IN-2712679 | | ARBORIST SUPPLIES | 725.48 |
| | | | | | **Total :** | **563.99** |
| 200007 | 5/9/2025 | 0001000 WHIDBEY AUTO PARTS, INC. | 043016 | | AUTO PARTS | 332.02 |
| | | | 043071 | | AUTO PARTS | 68.14 |
| | | | 043257 | | AUTO PARTS | 42.77 |
| | | | 043552 | | AUTO PARTS | 116.26 |
| | | | 043769 | | AUTO PARTS | 42.18 |
| | | | 043850 | | AUTO PARTS | 159.05 |
| | | | 043856 | | AUTO PARTS | 230.46 |
| | | | 044132 | | AUTO PARTS | 4.07 |
| | | | 044137 | | AUTO PARTS | 93.91 |
| | | | 044143 | | AUTO PARTS | 9.62 |
| | | | 044180 | | AUTO PARTS | 6.95 |
| | | | 044382 | | AUTO PARTS | 16.25 |
| | | | 044459 | | AUTO PARTS | 162.03 |
| | | | 044479 | | AUTO PARTS | 34.97 |
| | | | 044496 | | AUTO PARTS | 12.65 |
| | | | 044504 | | AUTO PARTS | 10.83 |
| | | | 044581 | | AUTO PARTS | 101.33 |
| | | | | | **Total :** | **1,443.49** |
| 200008 | 5/9/2025 | 0001017 WHIDBEY PRINTERS | 52785 | | BUSINESS CARDS - GLOVER | 53.41 |
| | | | | | **Total :** | **53.41** |
| 200009 | 5/9/2025 | 0006969 WITMER PUBLIC SAFETY GROUP | INV671716 | | BOOTS - HOOPER | 254.55 |
| | | | | | **Total :** | **254.55** |
| 200010 | 5/9/2025 | 0010723 ZACHOR, STOCK & KREPPS INC | 25-OAK-0004 | | APR 25 PROSECUTION SVCS | 13,000.00 |

**Bank code :** bank

| Voucher | Date | Vendor | Invoice | PO # | Description/Account | Amount |
|---|---|---|---|---|---|---|
| 200010 | 5/9/2025 | 0010723 0010723 ZACHOR, STOCK & KREPPS INC (Continued) | | | **Total :** | **13,000.00** |
| 200011 | 5/9/2025 | 0000355 ZIPLY FIBER | 360-675-1669 | | CURRENT PHONE CHARGES - PD | 77.02 |
| | | | 360-675-5190 | | CURRENT PHONE CHARGES | 46.04 |
| | | | | | **Total :** | **123.06** |
| 200012 | 5/9/2025 | 0011640 ZWALD, JUSTIN/AMY | Ref000318968 | | UB Refund Cst #00183846 | 387.58 |
| | | | | | **Total :** | **387.58** |
| **91** | **Vouchers for bank code :** bank | | | | **Bank total :** | **559,789.07** |
| **91** | **Vouchers in this report** | | | | **Total vouchers :** | **559,789.07** |

**CITY OF OAK HARBOR** **Bill No.** 4.c
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Safe Streets and Roads for All Grant Application
**Submitted By:** Wendy Horn, Grants Administrator

**RECOMMENDED ACTION**
I move to approve the submission of a Safe Streets and Roads for All Implementation grant application to the United States Department of Transportation.

**BACKGROUND / SUMMARY INFORMATION**
In 2022, Island County applied for a joint planning grant from the Safe Streets and Roads for All (SS4A) program. The City was one of the partners in this grant application. The goal of this planning grant was to develop a Comprehensive Safety Action Plan for Island County. The County was successful in its application. The Island County Regional Transportation Planning Organization (IRTPO) was the lead agency and has been working on the development of the plan since the grant was awarded in 2023.

The IRTPO passed Resolution No. 25-002 Establishing a Goal to Work Towards Zero Traffic Deaths and Serious Injuries on April 23, 2025, following the completion and adoption of the IRTPO Comprehensive Safety Action Plan (CSAP). Included in the CSAP is a section dedicated to the City of Oak Harbor.

The SS4A project is included in the City's Capital Improvement Plan, listed under Safe Streets Implementation. The City Council approved the 2025-2030 Capital Improvement Plan on November 19, 2024 along with the biennial budget. As indicated in the plan, the Safe Street Implementation will follow the City's adoption of the CSAP. It is noted that the intent of the City is to then apply for a SS4A Implementation grant. The United States Department of Transportation (USDOT) opened the Fiscal Year 2025 SS4A application window on March 28, 2025, with a closing date of June 26, 2025.

If approved, the City will apply for a five (5)-year $5,000,000 implementation grant with a match of $1,000,000 for a total project cost of $6,000,000. In the approved capital plan, REET 2 funds will be set aside each year starting in 2025 for the 20 percent match requirement.

The goal of the implementation grant is to use the CSAP to identify project areas, analyze safety improvement alternatives and implement measures to decrease the likelihood of death and serious injuries caused by cars and other vehicles. The final result will be reaching the Target Zero goal by 2045.

**LEGAL AUTHORITY**
N/A

**FISCAL IMPACT**
Funding from the SS4A grant is not yet secured but is included in the Long Term Capital Improvement Plan. If the City is awarded the funds, a budget amendment for 2026 will be

brought to the City Council for consideration. Future years (2027 and beyond) will include the grant funding in the normal budget cycle as necessary.

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

September 6, 2022, the City Council voted to approve the joint application for a SS4A planning grant, led by Island County.

**ATTACHMENTS**

1. SS4A Capital Improvement Plan
2. 2025.05.20 CC SS4A Implementation Application

# FUND 102—STREETS CAPITAL

## Safe Streets Implementation

**PROJECT DESCRIPTION:** This is an implementation project taking a holistic approach to roadway safety efforts, based on what we have learned from our Street Traffic Calming Projects and our Safe Streets for All (SS4A) Comprehensive Safety Action Plan. Safety improvements will be made in a city-wide targeted approach based on data to provide that greatest cost/benefit.

**PROJECT NEED:** The implementation project will follow the City's adoption of the Comprehensive Safety Action Plan. The City can then apply for SS4A implementation grants, which have $3 billion remaining funds nationally through 2026. The intent is to utilize these funds with a data-driven targeted approach to have the greatest impact to reduce traffic deaths and serious injuries.
The Washington State Safety Commission reports that in Washington State in 2023 there were 810 traffic deaths, a 10% increase from 2022, and the largest number of traffic deaths since 1990. 2023 experienced the highest number of pedestrian and motorcyclist deaths on record.
Typical SS4S implementation grant requests range from $2.5 million to $25 million. If grant funds are not secured, local funds will be used for implementation projects.

**DEVELOPMENT PLAN & STATUS:** This project is driven by the Safe Streets Study (Comprehensive Safety Action Plan), this project will need a design phase followed by construction/implementation. This timeline will be driven by the type and scale of the project selected from the Comprehensive Safety Action Plan.

**ESTIMATED PROJECT & PURCHASE TIMELINE**

**Pre-Design: FY**
**Engineering/Design: FY 2023-2030**
**Purchase/Construction: FY 2023-2030**
**Estimated Completion: FY 2030**

**COST & FINANCING DATA:** .

| COST ASSUMPTIONS | 102.00.595.30.6300 | str2302 |
|---|---|---|
| Pre-Design/Feasibility | | $0 |
| Engineering/Design Services | str2302.des.053 | $530,000 |
| Land | | $0 |
| Machinery & Equipment | | $135,000 |
| Construction Services | str2302.con.171 | $4,600,000 |
| Subtotal: | | $5,065,000 |
| Contingency Fees | | $250,000 |
| **TOTAL:** | | $5,515,000 |

| REVENUE SOURCE | FISCAL YEAR FUNDING REQUESTS | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | SPENT TO DATE | BFB-memo | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | 6 YR TOTAL |
| Reet 2 | $52,389 | $62,611 | $100,000 | $100,000 | $900,000 | $100,000 | $100,000 | $100,000 | $1,400,000 |
| Fed SS4A Grant-Unsecured | | | | $400,000 | $3,600,000 | | | | $4,000,000 |
| Project BFB | | | $62,611 | | | | | | $62,611 |
| **TOTAL REQUESTED FUNDS:** | $52,389 | | $162,611 | $500,000 | $4,500,000 | $100,000 | $100,000 | $100,000 | $5,462,611 |

**Spent to Date is posted amounts through 08/20/24*

# SAFE STREETS & ROADS FOR ALL IMPLEMENTATION GRANT APPLICATION

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

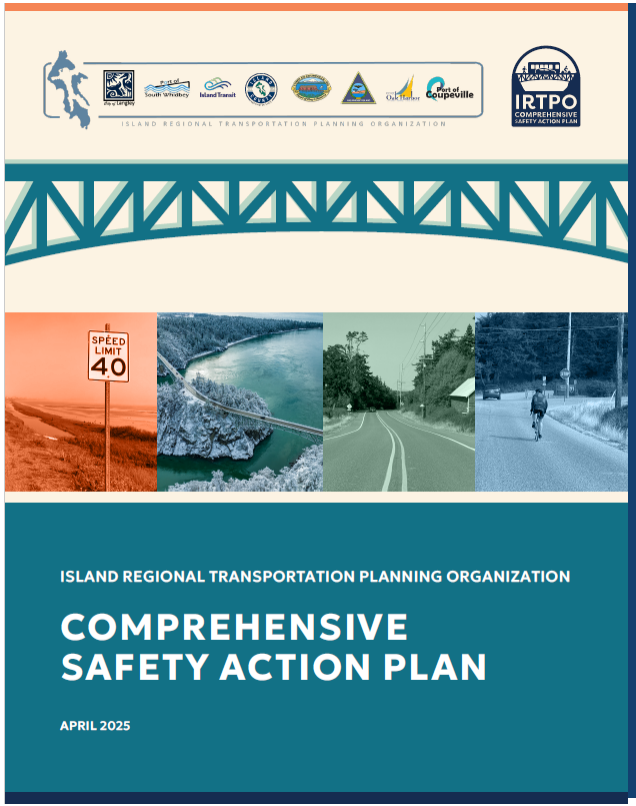
City Council Meeting

May 20, 2025

# U.S. DEPT OF TRANSPORTATION SAFE STREETS & ROADS FOR ALL

- Bipartisan Infrastructure Law Infrastructure Investment & Jobs Act
- Safe Streets & Roads For All (SS4A)
- Two types
  - Safety Action Plan Planning Grant
  - Implementation Grant
- Joint Application in 2022
  - Island County Regional Transportation Planning Organization (IRTPO) led
  - City partnered

# COMPREHENSIVE SAFETY ACTION PLAN (CSAP)




- Resolution NO. 25-002 Establishing a Goal to Work Towards Zero Traffic Deaths and Serious Injuries
  - IRTPO passed
  - April 23, 2025
  - Section (pg 67) dedicated to City of Oak Harbor

# SAFE STREETS IMPLEMENTATION

- Included in the 2025-2030 Capital Improvement Plan
- Approved on November 19, 2024
- Intent to apply for implementation grant after CSAP adopted
- REET 2 to be used for matching funds



FY 2025-2030 CAPITAL PROJECTS

FUND 102—STREETS CAPITAL

## Safe Streets Implementation

**PROJECT DESCRIPTION:** This is an implementation project taking a holistic approach to roadway safety efforts, based on what we have learned from our Street Traffic Calming Projects and our Safe Streets for All (SS4A) Comprehensive Safety Action Plan. Safety improvements will be made in a city-wide targeted approach based on data to provide that greatest cost/benefit.

**PROJECT NEED:** The implementation project will follow the City's adoption of the Comprehensive Safety Action Plan. The City can then apply for SS4A implementation grants, which have $3 billion remaining funds nationally through 2026. The intent is to utilize these funds with a data-driven targeted approach to have the greatest impact to reduce traffic deaths and serious injuries.
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Typical SS4S implementation grant requests range from $2.5 million to $25 million. If grant funds are not secured, local funds will be used for implementation projects.

**DEVELOPMENT PLAN & STATUS:** This project is driven by the Safe Streets Study (Comprehensive Safety Action Plan), this project will need a design phase followed by construction/implementation. This timeline will be driven by the type and scale of the project selected from the Comprehensive Safety Action Plan.

**ESTIMATED PROJECT & PURCHASE TIMELINE**
Pre-Design: FY
Engineering/Design: FY 2023-2030
Purchase/Construction: FY 2023-2030
Estimated Completion: FY 2030

**COST & FINANCING DATA:** .

| COST ASSUMPTIONS | 102.00.595.30.6300 | str2302 |
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| Contingency Fees | | $250,000 |
| TOTAL: | | $5,515,000 |

| REVENUE SOURCE | FISCAL YEAR FUNDING REQUESTS | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | SPENT TO DATE | BFB-memo | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | 6 YR TOTAL |
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| TOTAL REQUESTED FUNDS: | $52,389 | | $162,611 | $500,000 | $4,500,000 | $100,000 | $100,000 | $100,000 | $5,462,611 |

*Spent to Date is posted amounts through 08/20/24

# SAFE STREETS & ROADS FOR ALL IMPLEMENTATION GRANT

- $5,000,000 Request
  - 5-year project
  - 20% match = $1,000,000
  - Full project = $6,000,000
- Implementation
  - Identify project areas
  - Analyze safety alternatives
  - Implement measures
- Result
  - Target Zero met by 2045

# RECOMMENDED MOTION

- I move to approve the submission of a Safe Streets and Roads For All Implementation grant application to the U.S. Department of Transportation.

**CITY OF OAK HARBOR** **Bill No.** 4.d
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Resolution 25-19: Declaring Certain City Property to be Surplus Property
**Submitted By:** Sandra Place, Administration Manager

**RECOMMENDED ACTION**
A motion to adopt Resolution 25-19: Declaring Certain City Property to be Surplus Property and authorizing the removal of these assets from the Capital List.

**BACKGROUND / SUMMARY INFORMATION**
The goal of the City's capital asset inventory system is to provide control and accountability over capital assets and to assist departments in gathering and maintaining information needed for the preparation of financial statements. These policies and procedures are the minimum requirements for capital assets that departments must meet. A department may maintain its capital asset inventory system in greater detail or use additional supporting documentation if it meets the required minimum standards.

Per the Capital Asset Policy, the City of Oak Harbor City Council requires all departments to use the capital asset inventory system to protect and report on the City's assets. The Finance Department is responsible for maintaining and updating the policy.

The Office of the State Auditor (SAO) requires a reporting and accounting system for local governments (RCW 43.09.200). The Finance Director is designated as the "ex officio" deputy of the SAO for accounting and reporting in the City, including capital assets. Furthermore, in RCW 43.09.240, every department has a responsibility to keep its records in a standard, prescribed format (as monitored by the Finance Department and the SAO).

RCW 36.32.210 requires the City to file an annual inventory of all capitalizable assets with the Finance Director. The Finance office keeps the information and reports it in accordance with generally accepted accounting principles and the SAO.

Therefore, a capital asset inventory was conducted, and a list of surplus items that are not utility-related has been prepared for City Council consideration.

**LEGAL AUTHORITY**

**FISCAL IMPACT**

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

**ATTACHMENTS**
1. Resolution 25-19 Surplus non-utility property

2. City Council List-Non-Utility
3. Surplus Lists-Non-Utility

RESOLUTION 25-19

A RESOLUTION OF THE CITY OF OAK HARBOR, WASHINGTON DECLARING CERTAIN CITY PROPERTY TO BE SURPLUS PROPERTY

WHEREAS, the City has determined it has no further use of certain items of personal property; and

WHEREAS, the City Council has determined that these items are surplus property and are no longer needed for public use; and

WHEREAS, the fair market value, if any, will be determined for the surplus property and its disposal will be for the common benefit; and

WHEREAS, at the time of the sale of surplus items, monies received, if any, will be allocated back to the appropriate utility fund; and

WHEREAS, a public hearing is not required per Attorney General's Office (AGO) 1997 No. 5 because the City will not be transferring the property to another governmental agency;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

**Section One**. Based upon the findings and the recommendations of the City, the items of property belonging to said City, as shown in Exhibit A attached hereto, are declared to be surplus.

**Section Two**. It is for the common benefit of the residents of the City to dispose of said property.

**Section Three**. The Mayor or his designee is authorized to dispose of items listed in Exhibit A, attached hereto, in accordance with state law for the best attainable value.

PASSED and approved by the City Council this 20th day of May 2025.

THE CITY OF OAK HARBOR

_____
Ronnie D. Wright, Mayor

Attest:

_____
Julie Nester, City Clerk

Approved as to Form:

_____
Hillary J. Evans, City Attorney

# EXHIBIT A

| Description | Mfg Serial No | Custodian | GL Asset Acct Name | Notes: |
|---|---|---|---|---|
| FIRE HOSE (5"X50' SUPPLY LINE YELLOW-MULTIPLE) | | FIRE DEPT | MACHINERY & EQUIPMENT | REPLACED |
| RISKE WAY WALKING PATH (ADDED TO 1000 AVE E) | R13336-380-0270 & S7662-B-0 | GENERAL FUND | LAND | ADDED TO OTHER ASSET |
| FLINSTONE PARK RESTROOMS | | GENERAL FUND | BUILDING | REPLACED |
| SHED | | GENERAL FUND | BUILDING | REMOVED WITH WINDJAMMER PARK UPGRADE |
| SIGNAGE | | GENERAL FUND | IMPROVEMENTS | REPLACED |
| INTERSECTION LIGHTING OH RD & 7TH AVE | | GENERAL FUND | IMPROVEMENTS | PLANNING FOR LIGHTS THAT DID NOT HAPPEN |
| CLOCK TOWER SITE | | GENERAL FUND | IMPROVEMENTS | STUDY & DESIGN ONLY |
| DIGITAL RETENTION (FUJITSU SCANNER) | 007721 | GENERAL FUND | MACHINERY & EQUIPMENT | NO LONGER USE |
| REMODEL (ADMIN) | | GENERAL FUND | MACHINERY & EQUIPMENT | REPLACED WITH REMODELS |
| BPS UNIT-REIMBLE R2D2 | 4639122717 | GENERAL FUND | MACHINERY & EQUIPMENT | REPLACED |
| SOFTWARE-GPS MAPPING (CAD SOFTWARE) | | GENERAL FUND | MACHINERY & EQUIPMENT | PHYSICAL SOFTWARE GONE, NOW IN CLOUD |
| OPTICON EQUIPMENT (MULTIIPLE) | | GENERAL FUND | MACHINERY & EQUIPMENT | OUTDATED |
| JAWS-OF-LIFE POWER UNIT | PPU1501961 | GENERAL FUND | MACHINERY & EQUIPMENT | REPLACED |
| MOBILE DATA COMPUTERS FOR VEHICLES | | GENERAL FUND | MACHINERY & EQUIPMENT | REPLACED |
| DIGITAL CAMERA (IN COP CARS) | | GENERAL FUND | MACHINERY & EQUIPMENT | REPLACED WITH BODY CAMERAS |
| PLAYGROUND EQUIPMENT | | GENERAL FUND | MACHINERY & EQUIPMENT | REPLACED |
| PLAYGROUND EQUIPMENT | | GENERAL FUND | MACHINERY & EQUIPMENT | REPLACED |
| SECURITY EQUIPMENT | | GENERAL FUND | MACHINERY & EQUIPMENT | REPLACED |
| SECURITY CAMERA | | GENERAL FUND | MACHINERY & EQUIPMENT | REMOVED WITH WINDJAMMER PARK UPGRADE |
| NETWORK PORT SWITCH (JAIL) | FOC2007U076 | GENERAL FUND | MACHINERY & EQUIPMENT | REPLACED |
| 1081 E. PIONEER WAY | | GENERAL FUND | BUILDING | DEMOLITION-DOES NOT REQUIRE A PUBLIC HEARING |
| 1091 E PIONEER WAY | | GENERAL FUND | BUILDING | DEMOLITION-DOES NOT REQUIRE A PUBLIC HEARING |
| 1998 CEDAR POLES/DOCK | | MARINA | BUILDINGS | DISPOSED |
| ICE MACHINES STORAGE | | MARINA | BUILDINGS | REPLACED |
| 2020 ROTARY KUBOTA MOWER | 320000X50 | PARKS | MACHINERY & EQUIPMENT | TRADE IN ON NEW MOWER MAY 2023 |

# RESOLUTION 25-19: DECLARING CERTAIN CITY PROPERTY TO BE SURPLUS PROPERTY

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

City Council Meeting

May 20, 2025

# CAPITAL ASSET POLICY

- The goal of the City's capital asset inventory system is to provide control and accountability over capital assets and to assist departments in gathering and maintaining information needed for the preparation of financial statements
- The Finance Department is responsible for maintaining and updating the policy
- The Office of the State Auditor (SAO) requires a reporting and accounting system for local governments (RCW 43.09.200)
- RCW 36.32.210 requires the city to file an annual inventory of all capitalizable assets with the Finance Director
- The Finance office keeps the information and reports it in accordance with generally accepted accounting principles and the SAO

# LIST OF ITEMS

## EXHIBIT A

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| 2020 ROTARY KUBOTA MOWER | 320000X50 | PARKS | MACHINERY & EQUIPMENT | TRADE IN ON NEW MOWER MAY 2023 |

# AGO 1997 NO. 5

- A public hearing is not required per AGO 1997 No. 5 because the city will not be transferring the property to another governmental agency

# MOTION-NON-UTILITY ASSETS

A motion to adopt Resolution 25-19: Declaring Certain City Property to be Surplus Property and authorizing the removal of these assets from the capital list.

**CITY OF OAK HARBOR** **Bill No.** 4.e
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Puget Sound Energy EV Charging Project
**Submitted By:** Wendy Horn, Grants Administrator

**RECOMMENDED ACTION**
Motion to approve a Professional Services Agreement with Puget Sound Energy for the EV Charging Stations Project.

**BACKGROUND / SUMMARY INFORMATION**
The City applied for a Puget Sound Energy (PSE) Up & Go Fleet grant in March 2024. City staff has been working with PSE representatives to determine the type of chargers, the number of chargers and the placement of chargers at Public Works for almost a year. The City and PSE have agreed to the type, number placement of the chargers. PSE has sent a formal grant agreement for the City Council to consider.

The agreement includes providing $250,000 in equipment and installation charges. The City will be responsible for the remaining $50,360.85. The project includes installing a Two (2) -port Level 3 Zerova DS180 180kW Charger and ten (10) Level Two (2) Powercharge 40 Chargers. Installation includes concrete pad, conduit, wire and commissioning, trenching and excavating, landscape restoration, transformer, poles, bollards, underground locates and all other necessary electrical work needed for a complete installation. The full details are located in the agreement. The City will also be responsible for striping, stenciling and signage.

The chargers will be owned and maintained by PSE. The City's legal counsel has reviewed the ten (10) -year service agreement. The City also had the Washington Cities Insurance Authority (WCIA) review the agreement for risk. WCIA concluded the agreement is low risk.

The City currently has six (6) electric vehicles and will likely purchase two (2) to four (4) more in the next two (2) to three (3) years.

**LEGAL AUTHORITY**
N/A

**FISCAL IMPACT**
$50,360.85 is not budgeted for electric vehicle chartering stations. There are funds in the Fueling Replacement Fund to use for this project. If City Council approves this agreement, staff will complete a budget amendment.

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**
Grants Administrator Horn provided an update on grants, both current and upcoming, at the October 18, 2022 City Council Meeting. The update included information regarding the PSE Up and Go Fleet program that was under development by PSE at the time.

**ATTACHMENTS**

1. 05.20.2025 PSE EV Charging Stations Project
2. PSE Agreement
3. PSE Schedule 080
4. PSE Schedule 555

# PUGET SOUND ENERGY EV CHARGING STATIONS PROJECT

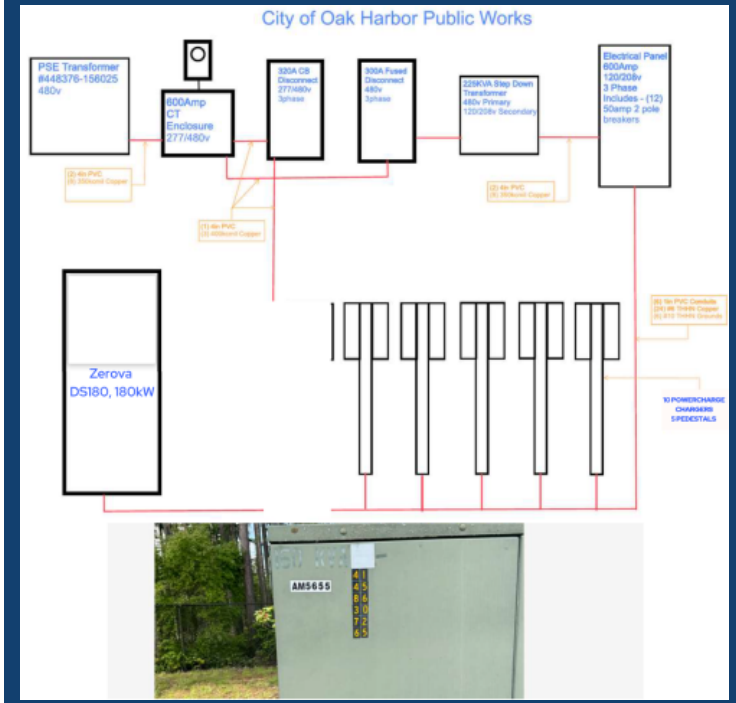
CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

City Council Meeting
05/20/2025

# PSE UP & GO ELECTRIC

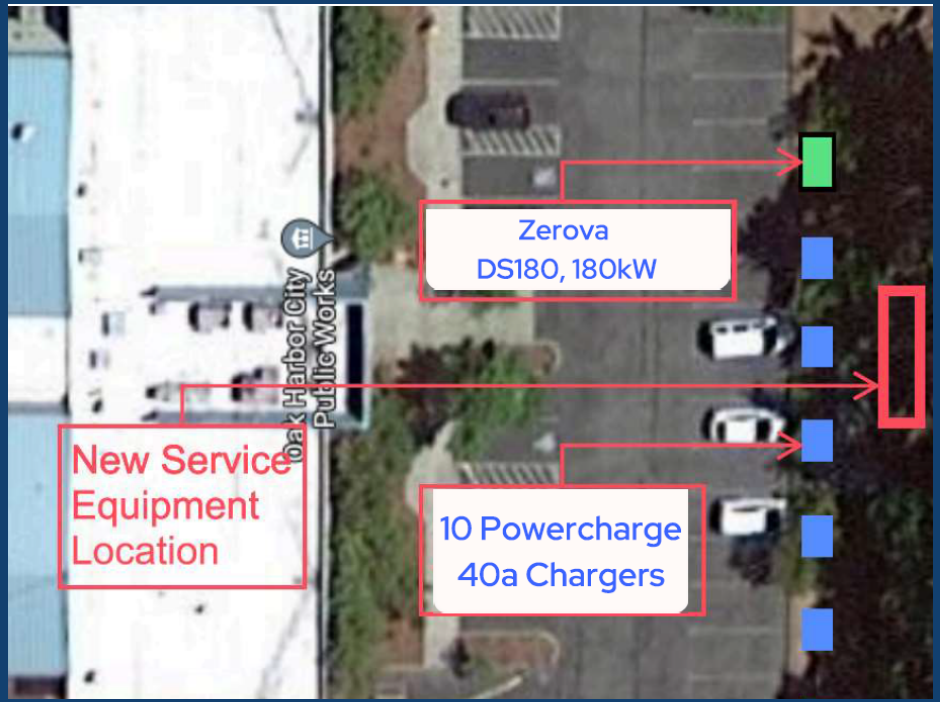
- Puget Sound Energy Program
- Applied for $250,000 grant in March 2024
- PSE installs & maintains units
- Costs above grant are City's responsibility

# INFRASTRUCTURE




- Project includes all infrastructure upgrades
  - Trenching & prep
  - Transformer, other electrical
  - Permits, commissioning, etc.
  - Landscaping restoration

# CHARGERS




- EV Chargers
- 10 - Level 2 Powercharge 40a stations
- 2 - Level 3 Zerova DS180, 180kW

# CITY RESPONSIBILITY

- City = $50,360
  *(Fueling Replacement Fund)*
- Full Project = $300,360
- 10-year service agreement reviewed by legal and WCIA.

# RECOMMENDED MOTION

I move to approve the Professional Service Agreement with Puget Sound Energy for the EV Charging Stations Project.

Docusign Envelope ID: F26C8623-4F18-4144-BF21-C8599AE927F2



**PUGET SOUND ENERGY**

## SCHEDULE 555
## ELECTRIC VEHICLE FLEET CHARGING PRODUCTS AND SERVICES

### Attachment "A" – Service Agreement (Company-Owned)

This Service Agreement (this "Agreement") is made and entered into as of May 6, 2025 ("Effective Date"), by and between Puget Sound Energy, Inc. ("Company") and the individual or entity identified in the signature block of this Agreement ("HOST"). Company and Host may be referred to each as a "Party" and together as the "Parties" in this Agreement. Except as otherwise expressly defined herein, terms defined in Schedule 583 of Company's Electric Tariff G will have the same meaning when used in this Agreement.

A. Company intends to make available, as part of its Electric Service under Company's Electric Tariff G, certain electric vehicle ("EV") charging products and services to Host pursuant to Schedule 555 of Company's Electric Tariff G (the "Schedule") and this Agreement. All equipment related to such EV charging products and services made available to Host pursuant to the Schedule and this Agreement and installed by Company is, or upon installation will be, owned and operated by Company for purposes of delivering electric energy for the charging of electric vehicles by Host.

B. Host desires to acquire, as part of Company's products and services provided to Host under the Schedule, certain EV charging products and services from Company, and Company desires to provide to Host certain EV charging products and services, subject to the terms and conditions of this Agreement.

C. This Agreement forms part of the Schedule.

The Parties therefore agree as follows:

**1. Term.** Unless earlier terminated as provided herein, this Agreement will have a term of ten (10) years, commencing on the Effective Date and ending on the tenth (10th) anniversary of the Effective Date.

**2. Equipment**. The equipment related to the EV charging products and services made available to Host by Company pursuant to the Schedule and this Agreement is listed in Exhibit A to this Agreement, which exhibit is incorporated into this Agreement by this reference (collectively and as applicable, the "EV Equipment"). Company will provide and install the EV Equipment at Host's property located at the address specified in Exhibit A to this Agreement ("Premises"). The EV Equipment will remain electrically connected (subject to planned and unplanned outages) at the Premises during the term of this Agreement. As a result of this Agreement and the EV Equipment installed at the Premises, Host will be entitled to use the EV Equipment solely for purposes of charging electric vehicles for their own personal use.

**3. Ownership; Taxes; Limited Scope**. Host represents that Host is the owner of the Premises where the EV Equipment will be installed or holds a valid leasehold interest in such Premises and has the authority to enter into this Agreement and allow for the installation and use of the EV Equipment pursuant to the Schedule and this Agreement at the Premises. If Host holds a valid leasehold interest, Host will obtain the consent of the owner of the Premises prior to executing this Agreement and will provide Company with evidence of the same. Host acknowledges that, during the term of this Agreement, the EV Equipment, together with any replacements, upgrades, and other modifications of the foregoing, will remain the personal property of Company at all times. Company will be responsible for payment, on a pro-rata basis, of any personal property or other taxes on the EV Equipment to the extent such taxes are not otherwise included in the payments pursuant to this Agreement or recovered under the applicable rate schedule(s) of Company's tariffs accepted or approved by the Washington Utilities and Transportation

Docusign Envelope ID: F26C8623-4F18-4144-BF21-C8599AE927F2



Commission ("WUTC"). This Agreement does not grant or confer to Host any rights of occupancy. Except as specifically set forth herein, no rights or entitlements will be granted to Host under this Agreement. Host acknowledges that Company may, in its sole discretion, file a fixture filing in the real estate records of the county where the EV Equipment is installed to protect its ownership interest in the EV Equipment. Host will promptly provide to Company, upon request, any information required in order for Company to make such filing. In addition, if this Agreement is determined to be a security agreement and to protect Company's rights in the EV Equipment, Host hereby grants Company a security interest in the EV Equipment and all proceeds and products thereof, and authorizes Company to cause this Agreement, or any statement or other instrument related to this Agreement showing the interest of Company in the EV Equipment (including a Uniform Commercial Code financing statement), to be filed or recorded to protect Company's interest in the EV Equipment.

**4. Charges**. As between Company and Host, Company is responsible for providing, installing, maintaining, replacing, and upgrading the EV Equipment during the term of this Agreement. Host will pay for the electricity supplied to the EV Equipment and to electric vehicles that are charged using the EV Equipment, all as specified in the Schedule. Host will pay to Company all costs and expenses (including reasonable attorneys' fees) in connection with the maintenance, repair, or replacement of, or value lost by any failure or impairment of the efficient operating condition of, the EV Equipment caused by the negligence or misconduct of Host or any of Host's personnel, representatives, guests, or invitees to or on the Premises (including individuals who reside at the Premises) or by the breach of any of Host's obligations under the Schedule, this Agreement, or Schedule 80 of Company's Electric Tariff G ("Schedule 80").

**5. Host Responsibilities**. Host will use the EV Equipment only for its ordinary intended purposes and only for Host's own personal use, in accordance with applicable laws, rules, and regulations. Host will not, and will not permit any other person to, tamper with, adjust, repair, modify, move, or relocate the EV Equipment without prior written consent from Company. Consistent with the Schedule and in addition to the other obligations of Host under this Agreement, Host will, during the term of this Agreement and at its expense: (a) maintain a dedicated clearance space around the EV Equipment of at least the minimum clearance space specified in the EV Equipment manufacturer's installation and operation specifications or the minimum clearance space specified by applicable laws, rules, and regulations, whichever is greater; (b) provide dedicated parking stall(s) for charging electric vehicles using the EV Equipment; (c) promote the availability of EV charging at the Premises to personnel of Host; and (d) upon Company's request, allow Company or its service providers to use Host's internet service for purposes of transmitting data to Company from the EV Equipment.

**6. Collection and Use of Data**. Host agrees that Company may collect information associated with the EV Equipment and its use pursuant to the Schedule and this Agreement, incentives offered by Company, and survey responses and other information provided by Host to Company. Host agrees that Company may use this information to: (a) deliver, maintain, and improve Company's products and services; (b) communicate with Host about products, services, surveys, incentives, rebates, and promotions offered by Company; (c) monitor and analyze usage, trends, and activities associated with the EV Equipment and its use for Company's business purposes; and (d) respond to questions, comments, and requests from Host, its personnel, and other individuals and entities. Host agrees that Company may disclose information collected by Company: (i) with vendors, consultants, and other service providers who need access to such information to carry out work or to perform services on Company's behalf; (ii) in response to a request for information if Company believes disclosure is in accordance with or required by any applicable laws, rules, or regulations or by legal process; (iii) if Company believes Host's actions are inconsistent with this Agreement, or to protect the rights, property, and safety of Company or others; (iv) in connection with, or during negotiations of, any merger, sale of assets, financing, or acquisition of all or a portion of Company's business; and (v) with Host's consent or at Host's direction.

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**7. Maintenance**. During the term of this Agreement, Company will be responsible for maintaining the EV Equipment. The costs and expenses associated with any such maintenance of the EV Equipment will be paid by Company or Host, as applicable, pursuant to Section 4.

**8. Equipment Failure; Repair and Restoration**. Should any of the EV Equipment cease to function properly, Host must promptly provide written notice to Company, which notice must describe how the EV Equipment is not functioning properly. Following receipt of such written notice, Company will repair and restore such equipment in accordance with the applicable regulations of the WUTC. The costs and expenses associated with any such repair and restoration of the EV Equipment will be paid by Company or Host, as applicable, pursuant to Section 4. Company will notify Host about the repair and restoration within seven (7) business days after Company's receipt of Host's written notice to Company pursuant to this Section 8.

**9. Limitation of Damages and Liability**. THE OBLIGATIONS EXPRESSLY ASSUMED BY COMPANY IN SECTIONS 7 AND 8 ARE IN LIEU OF ALL REPRESENTATIONS AND WARRANTIES, EXPRESS, IMPLIED, AND STATUTORY, AND COMPANY DISCLAIMS ALL SUCH REPRESENTATIONS AND WARRANTIES, INCLUDING ALL WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE, OR NON-INFRINGEMENT, OR RELATING TO THE SUITABILITY, DURABILITY, CONDITION, OR QUALITY OF THE EV EQUIPMENT. HOST SPECIFICALLY WAIVES ALL RIGHT TO MAKE A CLAIM AGAINST COMPANY FOR BREACH OF ANY WARRANTY OF THE EV EQUIPMENT. COMPANY FURTHER DISCLAIMS ALL LIABILITY FOR LOSS, DAMAGE, OR INJURY TO HOST, HOST'S PERSONNEL, REPRESENTATIVES, GUESTS, OR INVITEES TO OR ON THE PREMISES (INCLUDING INDIVIDUALS WHO RESIDE AT THE PREMISES), THE PREMISES, ANY PERSONAL PROPERTY AT THE PREMISES, OR ANY THIRD PARTY AS A RESULT OF ANY DEFECTS, LATENT OR OTHERWISE, IN THE EV EQUIPMENT. HOST WILL ACCEPT THE EV EQUIPMENT IN AN "AS IS" CONDITION, BASED ON COMPANY'S ASSUMPTION OF THE CONTINUING OBLIGATIONS SPECIFIED IN SECTIONS 7 AND 8. EXCEPT AS OTHERWISE PROVIDED IN THIS AGREEMENT, NEITHER COMPANY NOR HOST WILL IN ANY EVENT BE LIABLE TO THE OTHER FOR ANY INCIDENTAL, INDIRECT, SPECIAL, EXEMPLARY, PUNITIVE, OR CONSEQUENTIAL DAMAGES ARISING IN CONNECTION WITH THE EV EQUIPMENT OR THIS AGREEMENT.

Nothing in this Section 9 is intended to limit or otherwise affect any of the provisions of Schedule 80 or the rules or regulations of the WUTC applicable to Company.

**10. Billing and Payment**. All amounts payable by Host under the Schedule and this Agreement will be paid by Host as specified in Schedule 80.

**11. Termination; Effect of Termination**. Upon any breach or default by a Party of its obligations under this Agreement that remains uncured thirty (30) days after such Party's receipt of written notice from the other Party, the Party that is not in breach or default under this Agreement may terminate this Agreement by providing written notice of such termination to the other Party. Following any termination of this Agreement, Company will, at its option and in its sole discretion, either remove the EV Equipment from the Premises or transfer ownership of the EV Equipment at the Premises to Host. If this Agreement is terminated by Company due to an uncured breach or default of this Agreement by Host, Host will pay for: (a) all costs associated with the removal of the EV Equipment from the Premise or the transfer of ownership of the EV Equipment at the Premises to Host, as applicable; and (b) the undepreciated cost of such EV Equipment, as determined by Company in its reasonable discretion.

**12. Expiration; Effect of Expiration.** At least one hundred twenty (120) days prior to the expiration of this Agreement, Company will provide notice to Host of the upcoming expiration of this Agreement and Host's options related to the EV Equipment at the Premises following such expiration, which will include:

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(a) replacement of the EV Equipment by Company in accordance with any applicable tariff schedules in effect at the time of such replacement; (b) removal of the EV Equipment from the Premises by Company; or (c) transfer of ownership of the EV Equipment at the Premises from Company to Host. If Host wishes to elect one of the foregoing three options upon the expiration of this Agreement, Host must notify Company in writing at least sixty (60) days prior to the expiration of this Agreement of the option that Host selects. If Host does not notify Company in writing of the option that Host selects, Company will transfer ownership of the EV Equipment at the Premise to Host, unless otherwise agreed by the Parties in writing.

**13. Access**. Host will provide Company, and Company will have the right of, such access to the EV Equipment as Company may reasonably require, by personnel and for equipment. Host may make such access subject to the observance by Company of such reasonable security and safety protocols and procedures of Host that: (a) Host has provided to Company in writing prior to access; and (b) does not cause Company to incur any unreasonable costs or expenses. Host hereby grants to Company all licenses, rights-of-way, and easements necessary for the access described in this Section 13. Host will execute, acknowledge, and deliver to Company additional documentation as Company may reasonably request to effectuate, evidence, vest, record, or give notice of such licenses, rights-of-way, and easements.

**14. Insurance**. During the term of this Agreement, Host will maintain, at its expense, adequate insurance coverage to: (a) protect the Premises from and against any and all claims, costs, liabilities, damages, and expenses that may result from the performance or nonperformance of the EV Equipment under this Agreement; and (b) protect Company from any and all costs and expenses related to the loss, theft, vandalism, tampering, or other damage to the EV Equipment at the Premises resulting from any failure by Host to secure or protect the EV Equipment or from the negligence or misconduct of Host or any of Host's personnel, representatives, guests, or invitees to or on the Premises (including individuals who reside at the Premises). Upon Company's request, Host will provide Company with evidence of such insurance (such as a Certificate of Insurance) and other supporting materials that Company may reasonably request to verify Host's compliance with this Section 14. Host will ensure that the performance of Host's and Company's obligations under this Agreement will not void or adversely affect any insurance policy covering Host or the Premises.

**15. Indemnification**. Company will indemnify and hold harmless Host for any losses Host incurs as a result of damage to Host's property or injury to persons caused by the installation, maintenance, or use of the EV Equipment at the Premises during the term of this Agreement; provided, however, that Company's indemnification obligations under this Section 15 will not apply to any losses that result from the negligent acts or omissions or misconduct of Host or any of Host's personnel, representatives, guests, or invitees to or on the Premises (including individuals who reside at the Premises) or from the breach of any of Host's obligations under this Agreement, and will be reduced on a dollar-for-dollar basis for any insurance or other third-party payment that Host receives to cover any losses for which Company indemnifies Host under this Section 15. Host will indemnify and hold harmless Company for any damages to the EV Equipment at the Premises or any losses Company incurs that result from the negligent acts or omissions or misconduct of Host or any of Host's personnel, representatives, guests, or invitees to or on the Premises (including individuals who reside at the Premises) or from the breach of any of Host's obligations under this Agreement.

**16. Jurisdiction**. This Agreement will at all times be subject to changes or modifications as the WUTC may from time to time authorize or direct. Company's obligations under this Agreement are subject to Schedule 80 and, upon its issuance, the Schedule, as such schedules may be revised from time to time with the acceptance or approval of the WUTC. In the event of any conflict between the terms of this Agreement and the terms of Schedule 80 or the Schedule, the terms of Schedule 80 or the Schedule, as applicable, will govern.

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**17. Notices**. All notices under this Agreement must be in writing and will be deemed given upon: (a) personal delivery to the addressee; (b) three (3) days after deposit in the United States mail, with postage pre-paid and a certified mail return receipt requested; (c) faxed with electronic confirmation of receipt; (d) one (1) day after delivery to the United States Postal Service Express Mail or similar overnight delivery service; or (e) solely for notices sent by Host to Company, delivered by email with confirmation of receipt by the Party being notified. The notice address for each Party is set forth below and may be changed by a Party by providing the other Party with notice pursuant to this Section 17:

Company: Puget Sound Energy, Inc.
For deliveries by overnight delivery:
10885 N.E. Fourth Street
Bellevue, WA 98004
For deliveries by mail:
P.O. Box 97034
Bellevue, WA 98009
Fax: [_____]
Attn: [_____]
Email: [_____]

Host: [City of Oak Harbor]
[1400 NE 16th Ave, Oak Harbor WA 98277]
Fax: [ N/A ]
Attn: [Ronnie Wright]

**18. Assignment**. This Agreement may not be assigned or transferred by Host without the prior written consent of Company, which must be requested by Host at least thirty (30) days in advance of any proposed assignment or transfer. Any purported assignment in violation of this Section 18 will be void. Subject to the foregoing, this Agreement will be fully binding upon, inure to the benefit of and be enforceable by the Parties and their respective successors and assigns.

**19. Survival**. Sections 3, 4, 6, 9, 12, 15, 16, 17, 18, 19 and 20, and all other provisions of this Agreement that may reasonably be expected to survive expiration or termination of this Agreement, will survive the expiration or termination of this Agreement.

**20. Miscellaneous.** This Agreement will be governed by the laws of the State of Washington, without reference to its choice of law principles to the contrary. Section headings used in this Agreement are for convenience of reference only and will not affect the interpretation or construction of any provision of this Agreement. This Agreement, together with all attached exhibits, sets forth the entire agreement, and supersedes any and all prior agreements, between the Parties regarding the subject matter hereof. All remedies of a Party under this Agreement are cumulative and may, to the extent permitted by law, be exercised concurrently or separately, and the exercise of any one remedy will not preclude the exercise of any other remedy. Any failure or delay in the exercise of any right or remedy available to a Party under this Agreement will not be construed as a waiver or relinquishment of such right or remedy.

*****

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**PUGET SOUND ENERGY**

IN WITNESS WHEREOF, the Parties, by their duly authorized representatives, have executed this Agreement as of the Effective Date.

**COMPANY:**
**PUGET SOUND ENERGY, INC.**

By: Heather Mulligan

Name:

Heather Mulligan

Title:

Manager, Customer Clean Energy Solutions

**HOST:**
**[City of Oak Harbor]**

By:

Name:

Ronnie Wright

Title:

Mayor

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**PUGET SOUND ENERGY**

**Exhibit A to**
**Attachment "A" – Non-Residential Commercial Fleet Charging Service Agreement**

1. Host's Premises: [Address 1400 NE 16th Ave, Oak Harbor WA 98277 ]

2. EV Equipment List:

   - 10 ports of Level 2 chargers
   - 2 ports of Direct Current Fast Chargers
   - Conduit and wiring from electrical panel to charger location(s)
   - Foundations installed per manufacturer recommendations and local jurisdiction requirements
   - See attached Site Plan and Estimate for detailed information

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## Up & Go Electric for Fleet Customer Cost Responsibility

| CUSTOMER INFORMATION | |
|---|---|
| Organization/Entity Name: | City of Oak Harbor |
| Project Address: | 1400 NE 16th Ave, Oak Harbor WA 98277 |
| Contact Name and Title: | Wendy Horn, Grant Coordinator |
| Contact Phone: | |

| PROJECT SCOPE | |
|---|---|
| **EVSE Item** | **Qty.** |
| Installation | 1 |
| Level 2 EVSE (32A) | |
| Level 2 EVSE (40A) | 10 |
| Level 2 EVSE (48A) | |
| Level 2 EVSE (80A) | |
| Level 2 Pedestal | |
| DC Fast Charger (30 kW) | |
| DC Fast Charger (60 kW) | |
| DC Fast Charger (120 kW) | |
| DC Fast Charger (150 kW) | |
| DC Fast Charger (180 kW) | 2 |
| DC Fast Charger Cable Management | |
| EVSE Networking and Maintenance | *Included* |
| **SUB-TOTAL** | $ 300,360.85 |
| **PSE INCENTIVE** | -$ 250,000 |
| **TOTAL CUSTOMER COST** | $ 50,360.85 |

**CUSTOMER ACKNOWLEDGEMENT**

I have been informed of the project scope including requirements and optional items through the Service Agreement, Cost Estimate Proposal, and site plans.

**Customer Printed Name:** Ronnie Wright

**Customer Signature:**

**Date:** 5/6/2025

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SKYLINE ELECTRICAL SERVICES

## LOCATION

PSE FLEV-00045 | City of Oak Harbor - 865 SE Barrington Dr., Oak Harbor, WA 98277

# Scope of Work

## DETAILS

1. Installation of (1) Level 3 Zerova DS180, 180kW Charger
2. *Includes concrete pad, conduit, wire and commissioning
3. Installation of (10) Level 2 Powercharge 40 Chargers
4. *Includes concrete pad, conduit, wire and commissioning
5. Trenching and Excavating Landscape Restoration
6. Underground Locates
7. Bollards 1 per unit
8. Installation of (1) New 600amp 277/480v Electrical Service
9. Grounding Electrode System
10. H-Frame Rack for service equipment
11. Includes CT Enclosure and Lug Kit
12. Includes Remote Meter
13. Includes (1) 320amp Disconnect for Zerova Chargers
14. Includes (1) 300amp disconnect for Transformer (total load 270amps)
15. Includes (1) 225kva 480v-120/208v 3 phase transformer
16. Includes (1) 600amp 208v Nema 3r 3phase loadcenter
17. Includes (10) 50amp 2pole breakers
18. Termination, energize and commission
19. Acquire permits and inspection from AHJ
20. Apply PSE sticker to the charger units
21. Cellular DBM signal (-58)

## EXCLUSIONS

1. EV Connect provides charger and pedestal
2. Striping, stenciling, or signage
3. Cutting, patching, or painting ceilings and walls
4. **At time of estimate no engineering required, if needed by AHJ change order is necessary**

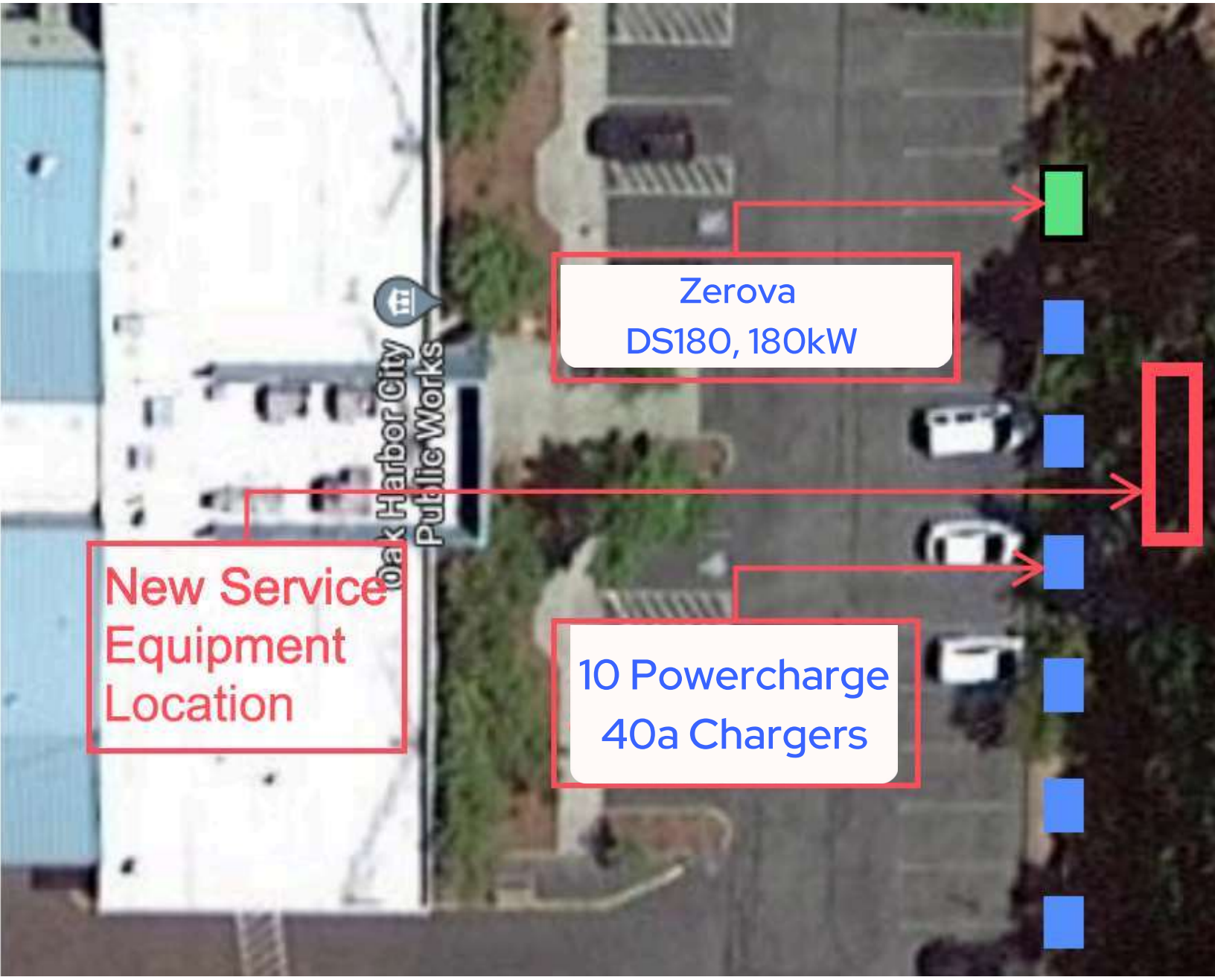
## PURCHASE TERMS

On behalf of Qmerit's contracting network, thank you for the opportunity to earn your business. The proposal includes all labor and materials unless otherwise specified in this quote.

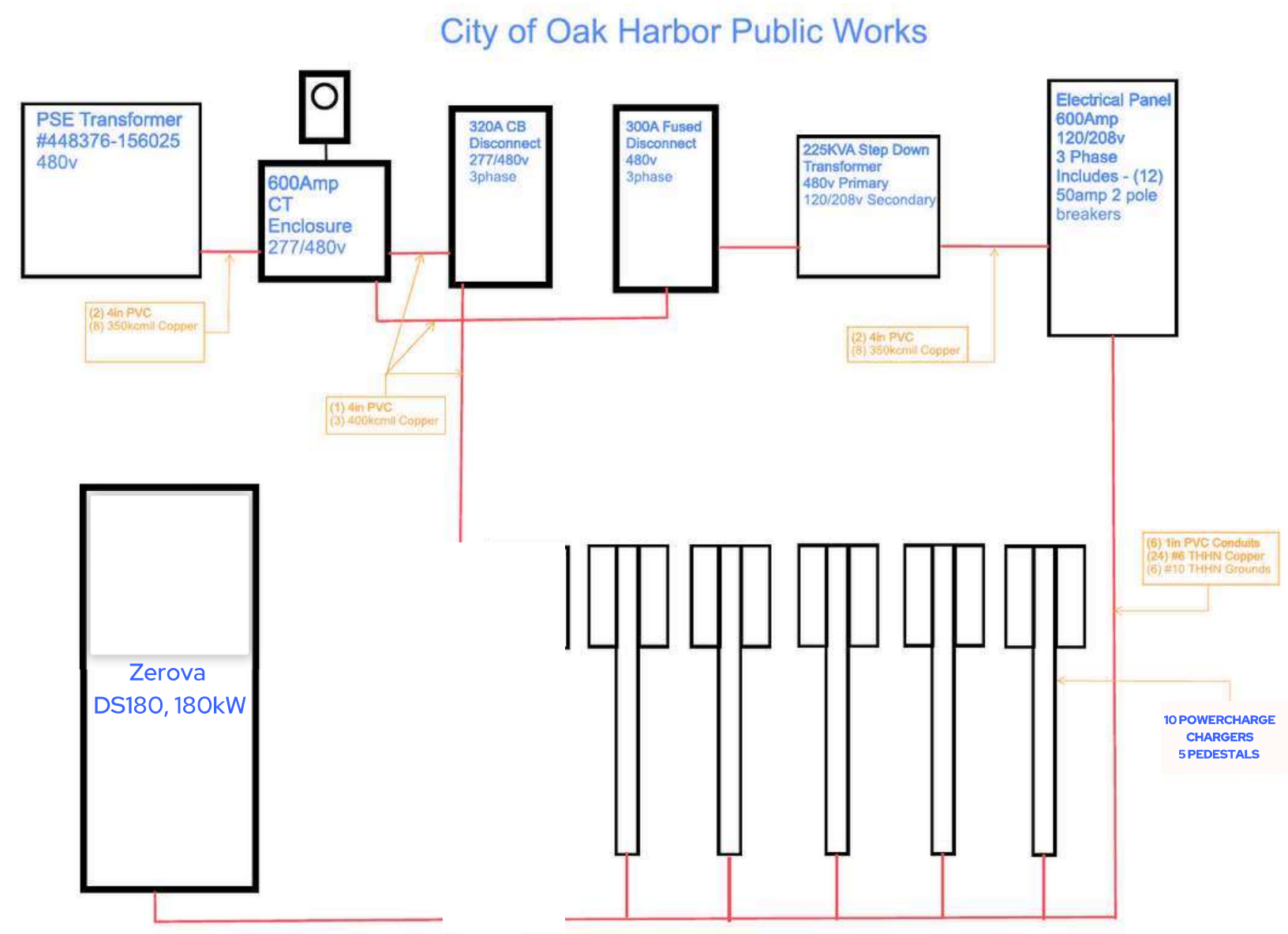
Qmerit Electrification, LLC ("Qmerit") will dispatch a licensed electrical contractor ("Contractor") to perform the services specified in the Work Order ("Services") for the customer named therein ("Customer") based on the terms and conditions in Agreement JA10129469.

Docusign Envelope ID: F26C8623-4F18-4144-BF21-C8599AE927F2

# Site Photos



# Site Photos


City of Oak Harbor Public Works
PSE Transformer
#448376-156025
480v
600Amp
CT
Enclosure
277/480v
320A CB
Disconnect
277/480v
3phase
300A Fused
Disconnect
480v
3phase
225KVA Step Down
Transformer
480v Primary
120/208v Secondary
Electrical Panel
600Amp
120/208v
3 Phase
Includes - (12)
50amp 2 pole
breakers
(2) 4in PVC
(6) 350kcmil Copper
(1) 4in PVC
(3) 400kcmil Copper
(2) 4in PVC
(6) 350kcmil Copper
(6) 1in PVC Conduits
(24) #6 THHN Copper
(6) #10 THHN Grounds
Zerova
DS180, 180kW
10 POWERCHARGE
CHARGERS
5 PEDESTALS

AM5655

# Site Photos

**PUGET SOUND ENERGY**
**Electric Tariff G**

## SCHEDULE 80
## GENERAL RULES AND PROVISIONS

1. ADOPTION OF RULES OF REGULATORY AUTHORITIES - The rules regulating electric service, prescribed by the Washington Utilities and Transportation Commission, as such rules may hereafter be amended from time to time, are hereby adopted and by this reference are made a part of this tariff.

2. DEFINITIONS - The following terms, when used in this tariff and in the application or agreement for electric service, shall have the meanings given below, unless otherwise clearly indicated:

   a. Company or PSE: Puget Sound Energy, Inc. (C)
   b. Customer: Any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from the Company.
   c. Premises: All of the real property at a single geographic location utilized by a Customer for his business or other activity.
   d. Point of Delivery: Unless otherwise specified, that location on the Customer's Premises where Company's circuit and Customer's system are interconnected. The Point of Delivery is further described and defined in this schedule and in Schedule 85 of this tariff. (N)
   e. Energy: Electric energy, measured in kilowatt-hours (kWh). (N)
   f. Demand: The rate of delivery of electric energy, measured in kilowatts (kW) or kilovolt amperes (kVa) occurring instantaneously or registered over a fixed time period (normally fifteen minutes unless otherwise specified).
   g. Electric Service: The availability of electric energy at the Point of Delivery for use by the Customer, irrespective of whether electric energy is actually used.
   h. Services or Service Lines: For underground service: Secondary voltage electric lines and facilities, excluding metering equipment provided by the Company and service entrance facilities such as meter bases, pedestals or enclosures, that are located on the Customer (load) side of the transformer or secondary voltage handhole that is installed and designated by the Company to provide service to a structure except that where a secondary voltage electric line crosses a property line between the transformer or secondary voltage handhole and the structure being served, that Service Line begins at the property line. Underground Service Lines may or may not be owned by the Company, as further described in Schedule 85 of this tariff. Underground Service Lines that are owned by the Company end at the Point of Delivery. (D)(N) | | (D) | | | | | | (K) | (K)(N)

(K) Transferred to Sheet No. 80-a

**Issued**: July 28, 2006 **Effective**: August 1, 2006
**Advice No**.: 2006-19
By Authority of the Washington Utilities and Transportation Commission in Docket Nos. UE-051828 & UE-051966
**Issued By Puget Sound Energy**
By: Tom DeBoer Tom DeBoer **Title**: Director, Rates & Regulatory Affairs

**PUGET SOUND ENERGY**
**Electric Tariff G**

**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS**
(Continued)

For overhead service: Secondary voltage electric lines and facilities, excluding metering equipment provided by the Company and service entrance facilities such as meter bases or enclosures, that are located between the point that a line leaves the Company's distribution system (typically at a Company-owned pole) and the point of attachment to the structure that is being served by the lines (or other customer-provided point of attachment such as a customer-owned meter pole). All overhead Service Lines are owned by the Company. All overhead Service Lines end at the Point of Delivery.

i. Month: An interval of approximately thirty (30) days between successive designated meter reading dates.

j. Secondary: Refers to service or facilities constructed to operate at less than 600 volts.

k. Primary: Refers to service or facilities constructed to operate at 600 volts or greater.

3. TAX ADJUSTMENT - The rates named in this tariff or charge in the area to which it applies shall be increased by the amount of any tax, assessment, or other charge related thereto, or any increase in the amount thereof, heretofore or hereafter levied by any federal, state, municipal or other governmental authority upon or in respect to: the generation, transmission, distribution, or sale of electric energy; any other charges made by the Company reflected in this tariff; any other rate or charge upon which a tax is assessed; the right of the Company to operate or do business within the jurisdiction of the taxing body. (N) (T) (N) (N)

4. SCHEDULES AND CONDITIONS - The schedules and conditions specified in this tariff for electric service are subject to change by order of the Washington Utilities and Transportation Commission or upon the effectiveness of a superseding schedule and in accordance with the laws of the State of Washington regulating public service companies and any amendments thereto. All schedules for electric service apply to Customers located on the established circuits of the Company.

5. SUPPLY AND USE OF SERVICE - The Company's rates are based upon the furnishing of electric service to a Customer at a single Point of Delivery and at a single voltage. When optional rate schedules are available, the Customer may not change from one rate schedule to another more frequently than once in any twelve-month period unless specifically authorized in the applicable rate schedule. Each Point of Delivery shall be metered and billed separately under the appropriate rate schedule. If several buildings are occupied and used by one Customer in a single business or other activity, the Company may furnish service for the entire group of buildings through one service connection at one Point of Delivery. The Point of Delivery is further described and defined below and in Schedule 85 of this tariff.

For all overhead service at Secondary voltages and all underground service at Secondary voltages to Single-Family Residences (as defined in Schedule 85) and to residential end-uses contiguous to a Single-Family Residence, the Point of Delivery will normally be at a point on the outside of the structure to be served which is, in the Company's reasonable judgment, most conveniently located with respect to the

**PUGET SOUND ENERGY**
**Electric Tariff G**

**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

Company's distribution facilities. For other underground service at Secondary voltages, the Point of Delivery will normally be at the load side of the Secondary connectors at the transformer or Secondary handhole.

The Primary voltage Point of Delivery will normally be that location which is, in the Company's reasonable judgment, most conveniently located with respect to the Company's transmission or distribution facilities. For service at Primary voltages below 50,000 volts, this Point of Delivery will normally be at a point on the property line of the Premises to be serviced or, if acceptable to the Company, on the Customer's Premises adjacent to such property line, where Customer and Company facilities interconnect. For service at Primary voltages of 50,000 volts or more, this Point of Delivery will normally be at the point within a substation or on an electrical line where the Customer provided facilities and the Company facilities of 50,000 volts or more interconnect. Where such substation is not on the Customer's Premises, the Customer-provided facilities connecting to such remote substation must be Customer-provided overhead or underground dedicated feeder(s) rates at 600 amps or more. Customer shall be responsible for all operating rights necessary for such Customer provided feeder(s). The Customer may, if acceptable to the Company, provide such feeder(s) through a separate agreement with and acceptable to the Company. Any such agreement shall only be available as part of the Company's bundled retail service.

Each Customer, except Customers receiving Electric Service over Interconnection Facilities (as defined in Schedule 152), regardless of the voltage at which distribution service is provided, shall be deemed to be connected at the Point of Delivery to the Company's distribution system facilities that are subject to the jurisdiction of the Washington Utilities and Transportation Commission. Any cost to the Company of providing Secondary or Primary service, at the request of the Customer or for the Customer's convenience, to a Point of Delivery other than the normal Point of Delivery set out above shall be paid by the Customer and shall be in addition to any other amounts which the Customer may be required to pay for said Secondary or Primary service. (N) (N)

Except as otherwise provided in Schedule 85 of this tariff, the Company shall have no responsibility for installing, owning, operating, maintaining or replacing any facilities on the Customer's (load) side of the Point of Delivery.

Service shall be supplied only under and pursuant to these General Rules and Provisions, and any modifications or additions thereto lawfully made, and under such applicable rate schedule or schedules as may from time to time be lawfully fixed. Except Customers with a Generating Facility (as defined in Schedule 152), service shall be supplied only to those for whom the Company is the sole source of electric power, unless otherwise provided under appropriate contract. Service shall be used by Customer only for the purposes specified in the service agreement and applicable rate schedule or schedules. (N)

**PUGET SOUND ENERGY**
**Electric Tariff G**

**SCHEDULE 80** (N)
**GENERAL RULES AND PROVISIONS** (Continued)

These paragraphs on Sheets 80-B.1 and 80-B.2 describe how Electric Service will be provided to Customers or Applicants (as Applicants are defined in Schedule 85) that have an electric generator and are or will be provided service over Interconnection Facilities. These paragraphs do not apply to Customers net metering under the provisions of Schedule 150, unless they are interconnected over Interconnection Facilities. The following terms, when used in these paragraphs shall have the meanings as defined in Schedule 152 of this tariff: Customer-Generator, Electric System, Interconnection Customer, Interconnection Facilities, Point of Interconnection and Point of Metering.

The type of Electric Service to be provided over Interconnection Facilities shall be non-firm stand-by service even though such service will be provided under a firm retail rate. The Company may in the future implement programs to interrupt service or assess a stand-by charge for this service to Interconnection Customers.

Electric Service will be provided over Interconnection Facilities however the provision of such service and any provisions of this Tariff will not cause those Interconnection Facilities to be considered as part of the Company's Electric System at any point in time without the express written agreement of the Company.

Section 5 of Schedule 80 provides that service shall be supplied only to those for whom the Company is the sole source of electric power, unless otherwise provided under appropriate contract. Tariff provisions form a contract for Electric Service and this provision allows the Company to provide service under an appropriate contract to Customers that have another source of electric power (an electric generator) and are receiving service over Interconnection Facilities.

All overhead and some underground Services or Service Lines are typically installed, owned and maintained by the Company, however when the Customer is or will use Electric Service over Interconnection Facilities the Company shall not install, own or maintain the Service Line. (N)

**Issued:** January 13, 2016 **Effective:** February 13, 2016
**Advice No.:** 2016-01

**Issued By Puget Sound Energy**

By: Ken Johnson **Title:** Director, State Regulatory Affairs

**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued) (N)

The Point of Delivery to a Customer served via Interconnection Facilities shall be at the Point of Interconnection. The Point of Metering may be at a location remote from the Point of Delivery or at the Point of Delivery and may be at Secondary or Primary voltage as provided in Section 20 of this Schedule 80. The Company, in its sole judgment, shall determine the Point of Metering, type and cost of metering in excess of standard secondary metering. An adjustment factor to compensate for losses will be applied as appropriate. Where the Point of Metering is beyond the Company's automated meter reading network, the Customer shall be responsible for providing communication of a type requested by the Company for purposes of meter reading,

Section 7 of Schedule 80 provides that the Customer shall make provisions for connection of metering equipment at a point convenient of access to the Company's distribution systems. A Customer-Generator or other Customer with an electric generator provided service through Interconnection Facilities is not subject to this provision but shall make provisions for connection of metering at the Point of Metering designated by the Company. All other provisions of Section 7 of Schedule 80 apply.

Disconnection or interruption of service may result in the Interconnection Customer being unable to generate electricity. Neither the Company nor any other person or entity shall have any liability to any Interconnection Customer or any other person or entity for any disruption in service or for any loss or damage caused thereby.

The Customer Service Guarantee (Schedule 130) and Restoration Service Guarantee (Schedule 131) do not apply to Electric Service provided to Interconnection Customers or to any other Customer that is provided Electric Service through Interconnection Facilities. (N)

**PUGET SOUND ENERGY**
**Electric Tariff G**

**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS**
(Continued)

6. APPLICATION FOR SERVICE - Each prospective Customer desiring electric service may be required to sign the Company's standard form of application for electric service or other evidence of agreement before service is supplied by the Company. In the absence of a signed agreement or application for service, the delivery of electric service by the Company and the acceptance thereof by the Customer shall be deemed to constitute an agreement by the Customer for acceptance of electric service and payment therefor under the applicable rate schedules, terms, and conditions contained therein, and these General Rules and Provisions. (M)

   For electric service in large quantity or under special conditions, the Company may require a suitable written agreement. No such agreement or any modification thereof shall be binding upon the Company until executed by its duly authorized representatives; if executed, it shall be binding upon the heirs, administrators, executors, successors, and assigns of the parties thereto.

7. SERVICE ENTRANCES AND CONNECTIONS - The Customer shall provide a suitable service entrance to the Premises to be served at the point specified by the Company. Such entrance facilities, including conduit and trenching on Customer property, shall meet the requirements of the authority enforcing the local electrical code or ordinance. The Customer shall provide a structurally sound point of attachment for the Company's overhead service conductors which will permit the clearances required by law for safety. All necessary wiring, transformers, switches, cut-outs, conduit and protection equipment beyond the Point of Delivery shall be provided, installed, and maintained by the Customer and shall be of types and characteristics acceptable to the Company.

   The Customer shall make provisions for the connection of metering equipment at a point convenient of access to the Company's distribution systems, readily accessible without risk of bodily harm to Company employees, free from vibration, corrosive atmosphere, and abnormal temperatures. All meter locations and provisions for connecting metering equipment are subject to approval by the Company.

   Unless otherwise agreed or otherwise stated in the applicable rate schedule, all meters, facilities and equipment furnished and installed by the Company upon the Customer's Premises shall be, and remain, the personal property of the Company, regardless of whether the Customer may have contributed to the cost thereof, and may be removed by the Company upon discontinuance of service. The Customer shall exercise proper care to protect the Company's property on his Premises; and in the event of loss or damage to the Company's property arising from neglect, carelessness, or misuse by the Customer, the cost of necessary repairs or replacement shall be paid by the Customer. (K)

(M) Transferred from Sheet No. 80-b
(K) Transferred to Sheet No. 80-d

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**GENERAL RULES AND PROVISIONS**
(Continued)

8. ACCESS TO PREMISES - The Company, its agents and employees shall have the right of ingress to or egress from the Premises of the Customer at all reasonable hours as may be necessary for meter reading, performance of necessary maintenance, testing, installation, or removal of its property. In the event the Customer is not the owner of the Premises occupied, he shall obtain all such permissions from the owner thereof. (M)

9. REFUSAL OF SERVICE - The Company may refuse to connect an applicant for service or may refuse to render additional service to a Customer when such service will adversely affect service being rendered to other Customers or where the applicant or Customer has not complied with state, county, or municipal codes or regulations concerning the rendition of such service.

   The Company may refuse to serve an applicant or a Customer if, in its judgment, said applicant's or Customer's installation of wiring or electrical equipment is hazardous, or of such character that satisfactory service cannot be provided.

   The installation of proper protective devices on the applicant's or Customer's premises at the applicant's or Customer's expense may be required whenever the Company deems such installation necessary to protect its property or that of its other Customers.

   The Company shall not be required to connect with or render service to an applicant unless and until it has all necessary operating rights, including rights-of-way, easements, franchises, and permits.

   The Company may refuse to connect service to a master meter in any new building with permanent occupants when: there is more than one dwelling unit in the building or property; the occupant of each unit has control over a significant portion of electric energy consumed in each unit; and the long-run benefits of a separate meter for each customer exceed the cost of providing separate meters.

   The Company shall not be required to provide service if to do so would be economically unfeasible.

10. CUSTOMER'S LOAD AND OPERATIONS - For single and three phase service, the Customer shall provide adequate protection for equipment, data, operations, work and property under his control from (a) high and low voltage, (b) surges, harmonics, and transients in voltage, and (c) overcurrent. For unidirectional and three-phase equipment, the Customer shall provide adequate protection from "single phasing conditions," reversal of phase rotation, and phase unbalance.

(M) Transferred from Sheet 80-c

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**GENERAL RULES AND PROVISIONS**
(Continued)

If equipment is installed by the Customer which will cause frequent or extreme fluctuations in the use of electric current which may interfere with normal service, the Company may require the Customer to provide at his own expense equipment that will limit such fluctuation. The Company reserves the right to refuse to supply service to loads of a character which may seriously impair service to any Customer and shall have the right to discontinue service to any Customer who shall continue to use appliances or apparatus detrimental to the service after being notified thereof by the Company.

When additional capacity must be provided for installations such as welding equipment, X-ray machines, elevator motors, or other equipment having highly fluctuating or intermittent demands which would otherwise seriously affect the voltage regulations of other Customers, the Company may require the Customer to contract for and pay additional charges.

Nothing in these General Rules and Provisions shall be construed as placing upon the Company any responsibility for the condition or maintenance of the Customer's wiring, energy-consuming devices, or other equipment and the Company shall not be held liable for any loss or injury resulting from defects in the Customer's installation and shall not be held liable for damage to persons or property arising from the use of the service on the Premises of the Customer.

11. INCREASED USE - In order to prevent damage to the Company's equipment and impairment of its service, the Customer shall give the Company notice before making any additions to his connected load so that the Company, at its option, may provide such facilities as may be necessary for furnishing the increased service.

12. CONTINUITY OF SERVICE - Electric service is inherently subject to disruption, including interruption, suspension, curtailment and fluctuation. Neither the Company nor any other person or entity shall have any liability to any Customer or any other person or entity for any disruption in service or for any loss or damage caused thereby if such disruption is attributable to the causes, work or actions from any of the following:

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By: _____ Director, Rates & Regulation
Christy A. Omohundro

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(Continued**)**

a. Causes beyond the Company's reasonable control including, but not limited to, fire, flood, drought, winds, acts of the elements, court orders, insurrections or riots, generation failures, lack of sufficient generating capacity, breakdowns of or damage to facilities of the Company or of third parties, acts of God or public enemy, strikes or other labor disputes, civil, military, or governmental authority, electrical disturbances originating on or transmitted through electrical systems with which the Company's system is interconnected, and acts or omissions of third parties.

b. Repair, maintenance, improvement, renewal or replacement work on the Company's electrical system, which work in the sole judgment of the Company is necessary or prudent. To the extent practicable, work shall be done at such time as will minimize inconvenience to the Customer provided that, when practicable, such disruption shall be during working hours regularly maintained by the Company. The Customer shall be given notice of such work in accordance with the Rules of the Washington Utilities and Transportation Commission.

c. Actions taken by the Company which in its sole judgment are necessary or prudent to protect the performance, integrity, reliability or stability of the Company's electrical system or any electrical system with which it is interconnected, which actions may occur automatically or manually.

In the event of such disruption in service, the Company shall make reasonable efforts to re-establish service with a minimum of delay and without any liability to any Customer or any other person or entity for any loss or damage from causes beyond its control or through ordinary negligence of employees, servants or agents.

Automatic actions that would occur through the operation of automatic equipment installed in the Company's electrical system, including, without limitation, such equipment as automatic relays, generator controls, circuit breakers, and switches. This equipment is preset to operate under certain prescribed conditions which, in the sole judgment of the Company, would threaten system performance, integrity, reliability, or stability.

Manual actions which occur when switches, circuit breakers, relays, voltage regulators or other equipment are manually operated or when the Company directs a Customer to curtail load. If manual actions are undertaken, then to the extent permitted by the operating characteristics of the electrical system, the Company will perform such manual actions so that interruption, suspension, curtailment, or

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**GENERAL RULES AND PROVISIONS**
(Continued)

fluctuation of service to Customer will be accomplished in the following sequence unless it is necessary in the sole judgment of the Company to vary said sequence in order to protect system performance, integrity, reliability, or stability.

(1) Large industrial and commercial Customers to the extent that this can be done after considering the Customer's load and system conditions and then, if necessary,

(2) Selected distribution feeders throughout the service area for short periods of time, alternating among circuits and avoiding, if practicable, interruptions at facilities which are essential to the public welfare, such as hospitals, other health facilities, airports, police stations, fire stations, communication facilities, domestic pumping stations, defense installations, civil defense centers, sewage disposal plants and others and then, if necessary,

(3) Selected distribution feeders throughout the service area for longer periods of time with less alteration among circuits while continuing to avoid, if practicable, interruptions at facilities which are essential to the public welfare and then, if necessary,

(4) Customers whose functions are essential to the public welfare beginning with those Customers whose service is least essential and continuing to those whose functions are progressively more essential.

To the extent permitted by the operating characteristics of the system, the Company will restore service to Customers whose service has been manually interrupted, suspended, curtailed, or fluctuated hereunder (or whose service has been automatically interrupted, suspended, curtailed, or fluctuated hereunder if such service is not automatically restored) by manually restoring service in reverse sequence to that set out above unless it is necessary in the sole judgment of the Company to vary said sequence in order to protect system performance, integrity, reliability, or stability.

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Ronald E. Davis

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(Continued)

d. Actions taken to conserve energy at times of anticipated deficiency of resources. Such actions are expected to be taken only when a regional deficiency exists. Actions by the Company will be integrated with actions of other utility systems in the region taken to meet regional deficiencies. Where governmental action has designated authority to proclaim power emergencies, such actions would be implemented by the Company in accordance with proclamation of such authority. The Company shall make determinations of load curtailment requirements in the absence of such authority, and the Company may, in the absence of proclamation by such authority, if the Company deems it essential to maintaining the integrity of its system or its ability to provide a power supply, implement the actions enumerated hereinafter. Action by civil authorities and by the Company to obtain load curtailment by Customers other than Major Use Customers are intended to effect appropriate approximate equality of curtailment amongst all Customers. If curtailment actions are undertaken, then to the extent permitted by the operating characteristics of the electrical system, such actions will be accomplished in the following sequence unless it is necessary in the sole judgment of the Company to vary said sequence in order to protect system performance, integrity, reliability, or stability. The enumerated actions may also be taken simultaneously, or within a short period, as the situation may require.

(1) Curtailment by voluntary curtailment of nonessential uses.

(a) Initiate curtailment of all nonessential Company use.
(b) Request to public news media that all Customers voluntarily curtail all nonessential uses.
(c) Request curtailment of nonessential use by governmental agencies and institutions at all levels.
(d) Request voluntary curtailment of nonessential use in all large buildings.
(e) Direct specific requests to Major Use Customers for voluntary curtailment of nonessential use.

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(2) If additional curtailment is required: intensify request to the public, including request to curtail less essential uses, and with notice that if curtailment does not occur, mandatory curtailment would be required. If possible, action under this sub-section would be implemented in advance of the time it is predicted that involuntary curtailment may be needed.

(3) In the event it appears that the above actions will not provide the required load curtailment, the Company will take the following actions, after given notice to the Commission:

(a) Implement nonvoluntary curtailment in accordance with governmental directives or, in absence thereof, implement nonvoluntary curtailment of all Major Use Customers by a percentage of Base Period load, which percentage shall be identical for all such Customers.
(b) Provide on request Base Period load and current consumption figures to civil authorities.
(c) Inform all Customers other than Major Use Customers of the recommended means of achieving comparable load curtailment.
(d) In addition to the foregoing, the Company may utilize operational procedures, including voltage reduction and interruption of service, as necessary to maintain integrity of service. Public notice will be given through news media before such operational procedures are implemented.

(4) As used in this rule:

(a) "Major Use Customer" is a customer who used 75,000 kWh in any monthly billing cycle in the Base Period or who would use 75,000 kWh (without curtailment) in any monthly billing cycle in the 12-month period beginning the previous August 1.

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(b) "Base Period" is the corresponding monthly billing cycle in a 12-month period ending the previous July 31.

(5) The Base Period loads of Major Use Customers will be adjusted to take into account installed increase in normal load. Customers becoming Major Use Customers in the period after August 1 of the curtailment year by reason of increased usage shall have a Base Period load determined by the Company on the basis of the projected usage before curtailment.

(6) The Base Period loads of customers other than Major Use Customers may be modified where additional load requirements have occurred and where such additional load cannot be avoided during the curtailment period. A customer desiring such modification shall notify the Company with description of reasons therefor.

(7) Prior to implementing action set forth in subsection (3)(a), the Company will establish the Base Period load for Major Use Customers in consultation with such customers, where required.

(8) In the event a customer and the Company cannot agree on the Base Period load, the matter may be submitted by the customer to the Commission and, pending final decision by the Commission, the Base Period load shall be that determined by the Company.

(9) The percentage specified for mandatory curtailment under subsection (3)(a) may be increased or decreased as system conditions require.

(10) If competent public authority determines that differing percentage curtailment should apply to different uses of power, the percentages provided for under §(3)(a) will be modified accordingly.

(11) Any customer who considers that curtailment in accordance with the provisions of this rate schedule shall impose an unusual and excessive hardship upon him may present his reasons therefor, and a statement of the facts supporting such reasons, to the Commission.

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(12) Customers may schedule load curtailment in any period and in any manner to minimize economic costs, hardship, or inconvenience, provided that the required load curtailment (if determined on other than a daily basis) shall be assured within each period, such period not to be longer than one month.

(13) The Company shall have the right to inspect the customer's facilities and operating schedules to determine whether the customer has complied with load curtailment required under §(3)(a) through §(3)(c). If a customer has not so complied and continues to fail to comply after receiving notice of non-compliance from the Company and adequate time to cure, the Company may discontinue service to such customer until it is assured that the customer will comply with directed load curtailment.

13. BILLING - The provisions of this Schedule are applicable, with the exceptions noted below, to all Customers served under rate schedules for electric service filed in this tariff.

a. Bi-Monthly Billing - The Company generally reads meters and issues billings to its customers on a bi-monthly basis. The following procedure is used in applying monthly rate schedules on a bi-monthly basis:

(1) The rates per kWh in the monthly rate schedules remain in effect; the kWh blocks to which these rates apply are multiplied by two (2) for computing the bi-monthly kWh charges.
(2) The rates for fixed KW Demand in the monthly rate schedules are multiplied by two (2) for computing the bi-monthly Demand charges.
(3) The basic or minimum charges in the monthly rate schedules, whether fixed or based on maximum KW Demand or connected load, are multiplied by two (2) for computing the bi-monthly basic or minimum charges.

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## GENERAL RULES AND PROVISIONS
(Continued)

b. Other than Bi-Monthly Billing

(1) Monthly Billing - Indicating and recording Demand meters used for billing purposes will be read and billings issued on a monthly basis. The Company may, at its option, read meters and issue billings on a monthly basis to certain customers who would customarily be billed on a bi-monthly basis under 13.a. above.

(2) Each special meter reading, with or without a special billing, made at the request of the Customer, shall be subject to a charge of five dollars ($5.00) per reading per meter.

c. Proration of Electric Service Bills

(1) Method of Proration: Demand (KW) and Energy (kWh) blocking for prorated billing periods, where applicable, will be determined by dividing each block in the tariff schedule by the number of days in the regular billing period (or by 30 for monthly or by 60 for bi-monthly billing if there is no complete billing period), and multiplying the result by the actual number of days service was used under the applicable tariff. Where proration applies to basic charges, minimum charges, rental rates, and street light rates, the monthly charge shall be divided by the number of days in the regular billing period (or by 30 for monthly or by 60 for bi-monthly billing if there is no complete billing period) and multiplying the result by the actual number of days service was used under the applicable tariff.

Where proration applies, kilowatt-hours shall be assumed to have been used by the customer on a uniform kilowatt-hour-per-day basis.

(2) Applicability of Proration: Bills shall be prorated to reflect changes in meter reading dates, schedule changes, or changes in general or surcharge rates. Proration for these purposes shall apply to all schedules, and to all components of rates, including basic charges, minimum charges, rental rates, street light rates, and demand and energy block rates.

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**GENERAL RULES AND PROVISIONS**
(Continued)

Opening and Closing Bills - There shall be no proration of the following to reflect service for less than a complete billing period as a result of beginning or discontinuing service: basic charge under any schedule, or energy blocks under residential Schedule 7. All other components of rates under all schedules shall be prorated to reflect service for less than a complete billing period as a result of beginning or discontinuing service.

14. PAYMENT OF BILLS - Bills are due and payable on the date rendered and become past due after fifteen (15) days unless specified otherwise on the bill. All bills are payable at an office or authorized pay station of the Company or to an authorized Company employee. When Company employees are outside of a Company office to reconnect a Customer's service, they may only accept payment in the form of checks or money orders. Bills shall be deemed received upon personal delivery to Customers or three (3) days following the deposit of the bill in the United States Mail or following electronic billing to the Customer's last known address. Failure to receive a bill will not relieve the Customer of the obligation to pay for service provided or affect the date the bill becomes past due. Customers may elect to receive bills and pay for electric service electronically, whereupon the following provisions shall apply:

a. ELECTRONIC BILLING AND PAYMENT LARGE NON-RESIDENTIAL - Any large non-residential Customer, upon approval by the Company, may elect to receive bills and pay for electric service electronically. Any non-residential Customer electing this option shall execute an agreement acceptable to the Company which incorporates by reference and is consistent with these General Rules and Provisions ("Agreement"). The Agreement shall establish the rates, terms and conditions governing the receipt and payment of bills for electric service electronically, subject to the following:

(1) Each party, at its own expense, shall provide and maintain the equipment, software, services and testing necessary to effectively and reliably transmit and receive bills and payments electronically.

(K) Transferred to Sheet No. 80-m.1

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## GENERAL RULES AND PROVISIONS
(Continued)

(2) Bills and payments may be transmitted electronically between the parties either directly or through any third party service provider with which either party may contract. Either party may modify its election to use, not use or change a third party service provider upon a minimum of thirty (30) days' prior written notice. Each party shall be liable for acts or omissions of its third party service provider while transmitting, receiving, storing or handling bills or payments, or performing related activities, for such party; provided, that if both parties use the same third party service provider to effect billing and payment, the originating party shall be liable for the acts or omissions of such third party service provider as to such bill or payment.

(3) Each party shall bear the fees and other charges assessed by its designated banks and third party service provider.

(4) Each party shall properly use such security procedures as are reasonably necessary to ensue that all transmissions of bills and payments are authorized and to protect its business records and data from improper access.

(5) Each party shall adopt as its signature an electronic identification consisting of symbols or codes which are to be affixed to or contained in each approved bill or payment transmitted by such party. Any such signature of a party affixed or contained in any bill or payment shall be deemed sufficient to verify such party originated such item. Neither party shall disclose to any unauthorized person the signature of the other party.

(6) If any properly transmitted bill or payment is received in an unintelligible or garbled form, the receiving party shall promptly notify the originating party (if identifiable from the received item) in a reasonable manner. In the absence of such notice, the originating party's records of the contents of such item shall control.

(7) A bill by means of an electronic transfer shall be deemed received upon transmission to Customer or the Customer's third party service provider by the Company.

(M) Transferred from Sheet No. 80-m
(K) Transferred to Sheet No. 80-m.2

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## GENERAL RULES AND PROVISIONS
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(8) A payment by means of an electronic transfer shall be deemed received when Customer's bank has credited the Company's account. Electronic payment from Customer shall be considered timely if the transfer is completed no later than the due date indicated on the bill.

(9) Each party may change its designation of an account or bank by written notice to the other party. Any such change shall be effective no sooner than thirty (30) days after notice of such change from the party entitled to make the original designation is received by the other party or such earlier time as the party receiving notice may agree in writing.

(10) Neither party will initiate any electronic transaction for the purpose of debiting a bank account of the other party.

b. ELECTRONIC BILLING PRESENTMENT AND PAYMENT - Any Customer, upon approval of the Company, and where the Company has the ability and the interface facilities exist (including but not limited to software), may elect to receive bills and pay for electric service through an electronic billing presentment and payment (EBPP) system in which the Company participates. Participation in EBPP systems will be at the discretion of the Company. Payment due dates and all other conditions of service shall be the same as for Customers not choosing an EBPP system. Any and all fees charged to the Customer by the EBPP service will be the responsibility of the Customer.

In the event the Customer makes a payment of less than the total amount of bill rendered which amount includes any previous balance owing, the Company shall apply said payment first to the previous billing charges and the remainder, if any, to the current billing charges unless otherwise agreed to by the Company.

(M) Transferred from Sheet No. 80-m.1
(K) Transferred to Sheet No. 80-m.3

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(Continued)

15. BUDGET PAYMENT PLAN - A plan of equalized payments is available to all residential customers and is offered as an alternative plan to customers who qualify for the moratorium on termination of service as set forth in WAC 480-100-072, Payment Arrangements and Responsibilities. Customers may join the plan at any time if their account carries a balance owing for no greater than the prior two (2) months billing, and if the customer has not been removed from the plan for non-payment within the previous six months. At the Company's discretion, a customer may be allowed on the Budget Payment Plan with greater than the prior two (2) months billing or may be reinstated on the plan even though removal from the plan has occurred within the previous six months. At the Company's option, the plan may be offered to nonresidential customers.

    A customer electing to utilize the plan shall agree to make monthly payments based on the Company's estimate of the customer's electric charges for the period through the next June 30 plus the outstanding account balance. Future electric charges shall be based on previous or estimated kilowatt-hour usage multiplied by the present average residential rate (based on consumption) plus other authorized tariff charges. The monthly payment amount shall be determined by dividing the estimated charges plus the outstanding balance by the number of months until the next June 30.

(M) Transferred from Sheet No. 80-m.2

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**GENERAL RULES AND PROVISIONS**
(Continued)

The Company does not guarantee that the total actual charges may not exceed or be less than its estimate. The Company will review the account on a quarterly basis and may revise its estimate in response to changing rates or variations in the amount of service used. The Company may require that customers pay a revised monthly amount as a condition to continuing participation in the plan.

This plan shall remain in effect from year to year, subject to review of the monthly payment amount, and shall terminate when: (1) the Customer notifies the Company to terminate participation in the plan; (2) the Company notifies the Customer of the termination of its budget payment plan; (3) the Customer no longer takes service at the premises; or (4) the Customer is delinquent in the amount of two or more monthly payments. However, if the Customer eliminates the delinquency, removal from the plan will not occur. Upon termination of either electrical service or participation in the budget payment plan, any amount owed by the Customer for actual charges shall immediately become due or any amount due the Customer shall be refunded as soon as possible.

16. DEPOSITS - Under the circumstances described in WAC 480-100-113 (1) or (2) and WAC 480-100-118 (1), as amended hereafter from time to time, including failure to establish a satisfactory credit history, the Company may require a guarantee deposit equal to two-twelfths of the annual billings estimated by the Company for monthly billed accounts or three-twelfths of the annual billings estimated by the Company for bi-monthly billed accounts plus such additional amounts as conditions warrant in accordance with WAC 480-100-113 (7) or WAC 480-100-118 (4). (C)(N) (N) (N) | (N)

Interest on deposits held will be accrued from the date of deposit to the date of refund of deposit, application of deposit to delinquent account, or termination of service, whichever first occurs, at a rate based upon the one-year Treasury Constant Maturity calculated by the U.S. Treasury, as published in the Federal Reserve's Statistical Release H.15 on January 15 of each year. Deposits would earn that interest rate beginning January 15 through January 14 of the subsequent year. Interest shall be computed from the day the deposit is made to the day of refund or when applied to the Customer's account. Interest on deposits shall be payable annually by check or by crediting the account of the Customer or compounded annually, at the Company's option. At the time the deposit is refunded or applied to the Customer's account, interest accrued shall be similarly refunded or applied. (D) (C) | | | | | | (C) (K) (K)

(K) Transferred to Sheet No. 80-o

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By: George Pohndorf George Pohndorf **Title**: Director, Rates & Regulation

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Deposits plus accrued interest shall be refunded when the Customer has for twelve consecutive months paid for services when due in a prompt and satisfactory manner. Deposits (including the transfer of deposits, the extended payment of deposits, alternative to deposits, and method of refund of deposits) shall be subject to applicable provision of WAC 480-100-113 or WAC 480-100-118, as amended hereafter from time to time. Upon termination of service, for any cause whatsoever, the Company shall refund to the Customer the amount then on deposit plus accrued interest less any amount as then shall be due the Company by the Customer.

**17. DISCONTINUANCE OF SERVICE:**

a. By Customer – When a discontinuance of service occurs at Premises served by the Company, notice of such discontinuance must be given at the office of the Company prior to the date of such change, and such notice shall be effective to terminate any obligation of the Company to render service to that Customer after the date of such change. The outgoing Customer shall be held responsible for all service supplied at that Premises until such notice has been received by the Company, except that service which is the responsibility of a subsequent Customer.

A Customer may designate a third party to receive notice of termination or other matters affecting the provision of service. When the Company discovers that a Customer appears to be unable to comprehend the impact of a termination of service, the Company shall consider an appropriate social agency to be the third party. In either case, the Company will not effect termination of service until five business days after provision of notice to the third party.

b. By Company – Service may be discontinued by the Company for any of the following reasons, as described in WAC 480-100-128, as hereafter amended from time to time:

(1) For non-payment of bills or any proper charges including deposit, as provided in the tariff of the Company. However, the Company will cease discontinuance in areas where a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert has been issued or is intended to be issued by the National Weather Service. The Company will use the prior day's forecast as received from the National Weather Service. (C) I I (C)

(2) For the use of energy for purposes or properties other than that specified in the application.

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**GENERAL RULES AND PROVISIONS** (Continued)

(3) For willful waste of energy through improper or imperfect wiring, equipment, or otherwise.

(4) When Customer's wiring or equipment does not meet the Company's standards or fails to comply with applicable codes and regulations.

(5) For tampering with the Company's property.

(6) In case of vacation of Premises by Customer.

(7) For refusal of reasonable access to Premises by the agents or employees of the Company, or the Company is otherwise unable to obtain access, for the purpose of reading meters, performance of necessary maintenance, testing, installation, or removal of its facilities. (C) (C)

(8) For violation of the rules of the Washington Utilities and Transportation Commission or the Company's service agreements or filed tariffs.

(9) For use of equipment which adversely affects the Company's service to its other Customers, or may result in detrimental impacts to the safety of those Customers or other persons, Customers' equipment or property, or utility service. (C) I (C)

(10) For fraudulent obtaining or use of service.

(11) For placement, construction, or maintenance of any structure, vegetation, or other object upon the Customer's premises which, in the Company's judgment unreasonably endangers the safe and reliable operation or maintenance of the Company's overhead or underground electrical facilities.

The right to discontinue service for any of the above reasons may be exercised whenever and as other as such default shall occur, and neither delay or omission on the part of the Company to enforce these rules at any one or more times shall be deemed a waiver of its right to enforce the same at any time, except as provided below, so long as default continues.

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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

**17. DISCONTINUANCE OF SERVICE:** (Continued) (T)

Discontinuance of service shall be subject to applicable provisions of WAC 480-100-028, as hereafter amended from time to time. Such conditions include a requirement that, except in the case of danger to life or property, fraudulent use, impairment of service or violation of law, in which case the Company may discontinue service without notice, (1) the Company-provide at least two separate disconnection notices to the Customer to advise the Customer of the pending disconnection and the reasons therefor and (2) written notice of disconnection be served on the Customer as a first notice. Such written notice shall be served on the Customer by mail (in which case the notice shall be deemed received three calendar days after deposit of the notice in the mail to the Customer's last known address) or at the Company's option by personal delivery. Such personal delivery shall be deemed served on the Customer upon handing of the notice to a person of apparent competence in the residence or, if a business account, to a person employed at the Customer's place of business. If no person is present to receive such written notice, such personal delivery shall be deemed served on the Customer upon attachment of the notice to the primary door of the residence unit or business office at which service is provided. In addition, the Company will provide an electronic copy of the notice, if the Company has such contact information for the Customer and the Customer has consented to electronic delivery of notices, at the time the Company mails or delivers the paper copy of the notice, and (3) the Company will provide the second disconnection notice electronically, if the Company has such contact information and Customer consent to electronic delivery of notices, at least two business days before the disconnection date, and by either (a) personal delivery, (b) mailed notice, or (c) telephone contact. Service shall not be disconnected, in the case of notice by mail, prior to the eighth business day following deposit of the notice in the mail or, in the case of notice by personal delivery, prior to 5:00 p.m. of the first business day following delivery or service of such written notice.

(C) (C) (C) (T) (N) I I I I I (N)

Where telephone contact is elected, at least two attempts to reach the Customer will be made during the Company's regular business hours. Where the Customer does not have a telephone or the Company has been unable to reach the Customer by telephone, a written notice will be mailed a minimum of three business days prior to the intended date of disconnection.

If service is not disconnected within ten working days of the first day on which disconnection may be effected and in the absence of other mutually acceptable arrangements, that disconnection notice shall become void and a new notice shall be required prior to disconnection of service.

(K) (T) I I I

(K) Transferred to Sheet No. 80-R (K)

**Issued:** October 7, 2021 **Effective:** November 27, 2021
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**Issued By Puget Sound Energy**

By: Jon Piliaris **Title:** Director, Regulatory Affairs

**PUGET SOUND ENERGY**
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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

17. **DISCONTINUANCE OF SERVICE:** (Continued)

If the Company initiates discontinuance of service and the service address is different from the billing address, the Company shall also provide prior notice of such discontinuance to the service address unless the Company determines the Customer of record and the service user are the same party. Discontinuance of service shall not occur earlier than five business days after provision of notice to the serving address.

If a Customer of record initiates discontinuance of service where the service address is different from the billing address and the Company discovers that the service user has no prior notice of discontinuance, the Company shall delay discontinuance at least one complete business day following notice to the actual service user.

The Company will postpone termination of service for thirty days, or will reinstate service for thirty days if already terminated, upon receipt by the Company of a certificate by a licensed physician, nurse practitioner or physician's assistant, which states that termination of service will aggravate an existing medical condition or will create a medical emergency for a permanent occupant of the premises affected. The certificate of medical emergency must be in writing, either electronic or paper, and show clearly the name of the person affected and the nature of the medical emergency.

The Company shall restore service where the causes for discontinuance have been removed and payment has been made of all proper charges due including proper deposit and including the reconnection charge. The Company shall not be required to provide service and may interrupt or discontinue service if all or any portion of its facilities or operating rights necessary to provide service are taken through the exercise of the power of eminent domain or are taken under threat thereof or are otherwise lost, terminated, or canceled.

The Company shall promptly make a reasonable attempt to restore service to a residential Customer whose service has been discontinued for non-payment of bills or any proper charges including deposit, upon request, on any day for which the National Weather Service has issued or has announced that it intends to issue a heat-related alert. A heat-related alert includes an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential Customer's service address is located. The Company may require the Customer to enter into a payment plan that complies with RCW 80.28.010(10) prior to restoring service. (N)

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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

18. **CONNECTION AND RECONNECTION CHARGES:** The Company shall collect a charge for a visit by a Company representative to the Customer's service address for the purpose of reconnection of service whenever (1) service has been discontinued for failure of a Customer to comply with these Rules or the Washington Administrative Code, or (2) service has been discontinued for one year or less due to vacancy or any other reason (including seasonal service), and the former Customer or a former tenant (who was a tenant at the time of disconnection) requests reconnection. The Company shall collect a charge for a visit by a Company representative to the Customer's service address for the purpose of connection of service whenever service is connected at the request of a Customer that is new to the location. The connection or reconnection charge does not apply to connection of new Service Lines constructed under the provisions of Schedule 85. If satisfactory arrangements for payment of all proper charges are made with the Company during normal service hours (7:30 a.m. through 6:30 p.m. Monday through Friday, except holidays), the charge for connection shall be $24.00 and for reconnection shall be $37.00. If such payment arrangements are made with the Company other than during normal service hours and the Company agrees that service will be connected or reconnected other than during normal service hours due to Customer request, the charge shall be $61.00 for connection and $74.00 for reconnection, except if service is to be connected or reconnected during normal service hours, the charge for connection shall be $24.00 and for reconnection will be $37.00. In addition, if such arrangements for payment are made between the hours of 6:30 p.m. and 7:30 a.m. (the following day), the connection or reconnection shall be completed during normal service hours except where the Company determines that conditions warrant otherwise. If such payment arrangements include an employee picking up payment at the Customer's premise, such payment shall be in the form of a check or money order unless the Company determines that conditions warrant otherwise. Conditions that warrant Company review include medical emergencies and a Customer disconnected in error. The amounts charged for connection or reconnection shall also apply to non-safety-related service calls for the Customer's convenience such as (1) when the Customer does not provide access, or (2) fails to cancel a service call, or (3) when the Customer's equipment beyond the Point of Delivery is the cause of the service call.

COVID-19 Pandemic Exception: The Company shall suspend its collection of the reconnection charge until 30 days after the Commission issues its Order Adopting Rules or otherwise determines these charges in Docket U-210800. (C) (C)

**PUGET SOUND ENERGY**
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## SCHEDULE 80
## GENERAL RULES AND PROVISIONS
(Continued)

19. VOLTAGE, FREQUENCY, AND PHASE - Electric service furnished under this tariff will be alternating current, 60 hertz, single- or three-phase at one of the nominal standard secondary voltages given below:

| | |
|---|---|
| Single Phase- | 120/208 3 wire (c) |
| | 120/240 3 wire (d) |
| Three Phase- | 120/240 4 wire (a) |
| | 120/208 4 wire |
| | 277/480 4 wire |
| | 240 3-wire or 480 3-wire (b) |

(a) Available only at the option of the Company's engineer
(b) At the option of the Company, these voltages shall be available only at locations receiving this service prior to April 4, 1977.
(c) Available only if 120/208 secondary is existing at location at the time of application for service.
(d) Available for loads up to a maximum demand of 100 kW. Larger loads may be served if determined feasible by the Company's engineer.

If the Customer requires any other than the above-listed nominal standard secondary voltages and it is necessary to provide special transformers or auto-transformers, such equipment shall be supplied at the Customer's expense. Special voltage arrangements are subject to review and approval by the Company's engineers.

At its option, the Company may supply service to a Customer at a phase other than specified in the rate schedule subject to payment by the Customer for actual additional costs of providing such service.

Delivery at Primary voltage shall be made only when specified in rate schedules or by special contract. Insofar as practicable the Company shall maintain standard voltage on its distribution systems, subject to variations within reasonable limits. The Company does not guarantee against loss or reversal of one or more phases in a three-phase service, and shall not be held responsible for damages caused by any of the above conditions where occasioned by circumstances beyond its reasonable control.

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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

The Company shall test for excessive voltage fluctuations at its own expense where there is reasonable indication of a need therefor, but requests for voltage checks by the Customer shall be subject to payment for the cost thereof if they are more frequent than once in any twelve-month period, unless excessive voltage fluctuation is found to exist.

**20. METERING:**

a. The Company shall furnish, own, and maintain all meters, instrument transformers, phase shifting transformers, test switches, and connecting circuitry necessary for measuring electricity used by the Customer. The Company shall make no charge for furnishing and installing meters. The Company, in its sole judgment, shall determine the type of meters and other equipment to be installed. (N) (N)

The Company, at its option, may meter delivery to Customers at Primary or Secondary voltage, or at points other than the Point of Delivery and apply an adjustment factor to compensate for losses if appropriate. (C) (C)

An accurate record shall be kept by the Company of all meter readings and such record shall be the basis for determination of all bills rendered for service. Should any meter fail to register correctly the amount of electricity used by the Customer, the amount of such use will be estimated by the Company from the best available information.

The Company, at its expense, shall initiate a test of the accuracy of a meter within ten (10) working days after receipt of the request from the Customer, provided the Customer does not make a request for a test more frequently than once in any twelve-month period. If, at the Customer's request, the meter is tested more frequently than once in twelve months and the results of the test show the meter to be either slow or registering within the allowable limits as reported by the Company, then the Customer shall pay a $121.00 charge for the meter test. If the meter is found to be fast beyond the allowable limit, the Company shall assume the cost of the test.

**PUGET SOUND ENERGY**
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## SCHEDULE 80
## GENERAL RULES AND PROVISIONS
(Continued)

b. Statement of Meter Test Procedures:

(1) Purpose: To provide a statement describing the test method employed and equipment used to determine the accuracy of meters in compliance with WAC 480-100-176 and WAC 480-100-201.

(2) Description of Meter Testing Equipment: The Company utilizes precision solid-state watt-hour reference standards that are traceable to the national watt-hour standard maintained by the National Institute of Standards and Technology (NIST, formerly National Bureau of Standards). Test boards are used for bulk testing and calibration of kilowatt-hour meters in the meter shop and field test boxes are used in testing meters installed on customer premises.

(3) Accuracy of Test Equipment: Every 24 months the Company shall intercompare its meter laboratory standards with an NIST standard in accordance with NIST's published Measurement Assurance Program for Electric Meters (NBS Technical Note 930). Annually, the Company meter laboratory calibrates each test board and field test box.

(4) Method:
(a) General: For the purposes of verifying accuracy, meters are categorized into three test groups: new meters not previously installed, in-service meters that are tested periodically, and in-service meters that are sample tested. Testing procedures as outlined in American National Standards Institute (ANSI) C12.1 are applied to these meters.

(b) New Meters: All new meters shall be 100% tested by the manufacturer or by the Company upon receipt. The manufacturer shall forward the certified final production test results to the Company for each new meter. The Company shall then enter this information onto the meter

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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS**
(Continued)

history record system for storage. In addition, the Company shall verify the manufacturer's test results by testing a selected group of meters and perform an analysis/comparison of the Company's test results with the results provided by the manufacturer.

In the event the "as found" accuracy of one or more meters in the verification tests exceeds the limits 99.5% to 100.5% at full load or light load, further investigation shall be done to determine the source of inaccuracy. The rejection of the entire order may occur, depending upon the results of the investigation, or the meters may be re-calibrated to within the above accuracy limits at the manufacturer's expense.

(c) In-Service Periodic: All meters installed on accounts billed under Schedule 46 and Schedule 49 shall be tested at least every 24 months. Any meter found with percentage error greater than defined by WAC 480-100-141 (± 2% from 100%) shall be calibrated or replaced as appropriate.

(d) In-Service Sample: All in-service meters not serving Schedule 46 and Schedule 49 accounts shall be stratified by manufacturer and design type. The number of meters classified for testing shall be selected according to the most recent revision of ANSI/ASQC-Z1.9 for inspection level GII. Each year the Company shall randomly select a statistical sample of meters from each stratification from the master file of meters. For each meter that is tested, the test results shall be retained by the meter history records system in accordance with WAC 480-100-181 and WAC 480-100-211. If a meter is unable to be tested, a replacement meter shall be randomly selected.

(1) The testing performed shall be in accordance with latest revision of ANSI C12.1, Standards for In-Service Performance.

(2) The mathematical analysis used shall be based upon the latest revision of ANSI/ASQC-Z1.9, Section B, Part II.

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## SCHEDULE 80
## GENERAL RULES AND PROVISIONS
(Continued)

(3) The acceptable quality level (AQL) used for analysis shall be 2.5%, which is the selected inspection level. AQL is defined as the maximum percentage of meters that are allowed to be outside the accuracy limits set by WAC 480-100-141.

(4) A meter with a percentage error of greater than 5% in the "as found" test with a failure attributable to its environment shall be considered uniquely defective. This meter may be repaired in the field, if practical, or returned to the Company's Meter Department. In either case, the disposition and definition of failure shall be noted on the meter history record. The definition of failure shall be included in the annual meter analysis report by meter number.

(5) For analysis, the test results for uniquely defective meters shall not be included in the numerical analysis. A replacement meter shall be selected for each uniquely defective meter.

(6) The calculation of weighted average percent registration shall be in accordance with approved methods identified in the latest revision of ANSI C12.1, Standards for In-Service Performance.

(7) The maximum acceptable weighted average percent. Registration is defined by WAC 480-100-141 as 2% from 100%.

(8) If the weighted average percent registration of a group of meters does not meet the acceptability criteria, the Company shall develop a retirement plan.

(9) Meters removed from service may be retired without tests or may be returned to service without being tested if they are covered by this in-service test plan. Each year the meter test results of the previous year shall be prepared and analyzed. These results and analyses shall be available for inspection by the WUTC.

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**Issued By Puget Sound Energy**

By: _____ Vice President, Regulation & Utility Planning
Ronald E. Davis

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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

20. **METERING:** (Continued)

(e) Other Meters: Meters installed solely for the convenience of the Customer shall not be subject to in-service periodic or sample testing except at the expense of the Customer.

(f) Sources:
ANSI C12.1, Test Methods
ANSI C12.1, Standards for In-service Performance
ANSI/ASQC-Z1.9, Sample Procedures and Tables for Inspection by Variables for Percent Non-conforming

c. Statement of Smart Street Light Control Test Procedures: (N)

(1) Purpose: To provide a statement describing the test method employed and equipment used to determine the accuracy of Smart Street Light Controls in compliance with WAC 480-100-343, Statement of meter test procedures. (K)

(2) Description of Meter Testing Equipment: The Company utilizes precision solid-state watt-hour reference standards that are traceable to the national watt-hour standard maintained by the National Institute of Standards and Technology (NIST, formerly National Bureau of Standards). Test boards are used for testing of Smart Street Light Control in the meter shop. In-service testing utilizes a numerical analysis based on the latest revision of ANSI/ASQC-Z1.9, Section B, Part II, to validate equipment accuracy.

(3) General: For the purposes of verifying accuracy, Smart Street Light Controls are categorized into two test groups: new Smart Street Light Controls not previously installed and in-service Smart Street Light Control. Testing procedures as outlined in American National Standards Institute are applied to these Smart Street Light Controls.

a. New Smart Street Light Controls: The Company shall require the equipment manufacturer to provide certified final production test results to the Company for each new Smart Street Light Control, in accordance with the latest revision of ANSI C12.1, and shall accept, record and retain that test of accuracy information at the equipment-level history record. In addition, the Company shall verify the manufacturer's test results by testing a selected group of Smart Street Light Controls and perform an analysis/comparison of the Company's test results with the results provided by the manufacturer. (N)

(K)

(K) Transferred to Sheet No. 80-X.3

**SCHEDULE 80** (N)
**GENERAL RULES AND PROVISIONS** (Continued)

20. **METERING:** (Continued)

c. Statement of Meter Test Procedures for Smart Street Light Controls: (Continued)

(3) General: (Continued)

b. In-Service Smart Street Light Controls: Each year the Company shall randomly select a statistical sample of in-service Smart Street Light Controls, conduct a numerical analysis based on the latest revision of ANSI/ASQC-Z1.9, Section B, Part II, to validate equipment accuracy, and record and retain that information at the equipment-level history record.

For Smart Street Light Controls within the selected sample, the Company shall identify expected usage based on lamp size, duration of use, and control settings. The expected usage shall be compared to the measured usage for each Smart Street Light Control to determine the relative variance. Any Smart Street Light Control found with a percentage error greater than defined by WAC 480-100-141 (+/- 2% from 100%) shall be replaced.

(1) The sample size shall be determined upon the latest revision of ANSI/ASQC-Z1.9, Section B, Part 2.

(2) The acceptable quality level (AQL) used for analysis shall be 2.5%, which is the selected inspection level. AQL is defined as the maximum percentage of Smart Street Light Controls that are allowed outside the accuracy limits set by WAC 480-100-141.

(3) A Smart Street Light Control with a percentage error of greater than 5% in the “as found” test with a failure attributable to its environment shall be considered uniquely defective. This Smart Street Light Control may be repaired in the field, if practical, or returned to the Company’s Meter Department. In either case, the disposition and definition of failure shall be noted on the equipment history record.

(N)

**SCHEDULE 80** (N)
**GENERAL RULES AND PROVISIONS** (Continued)

20. **METERING:** (Continued)
    c. Statement of Meter Test Procedures for Smart Street Light Controls: (Continued)
        (3) General: (Continued)
            b. In-Service Smart Street Light Controls: (Continued)
                (4) For analysis, the test results for uniquely defective Smart Street Light Controls shall not be included in the numerical analysis. A replacement control shall be selected for each uniquely defective control.

                (5) The maximum acceptable percent registration is defined by WAC 480-100-141 as +/- 2% from 100%.

                (6) If the average percent registration of a group of Smart Street Light Controls does not meet the acceptability criteria, the Company shall develop a retirement plan.

                (7) Smart Street Light Controls removed from service may be retired without tests or may be returned to service without being tested if they are covered by this in-service testing plan. Each year the meter test results of the previous year shall be prepared and analyzed. These results shall be available for inspection by the WUTC.

                (8) Sources:
                ANSI C12.1, Test Methods
                ANSI C12.1, Standards for In-Service Performance
                ANSI/ASQC-Z1.9, Sample Procedures and Tables for Inspection of Variables for Percent Non-Conforming

(N)

**SCHEDULE 80** (N)
**GENERAL RULES AND PROVISIONS** (Continued)

21. **DEMANDS:** Demand meters may be installed on any account when the nature of the Customer's equipment and operation indicates that a demand meter is required for correct application of the rate schedule. (M)

    All metered Demands or Connected Loads used for billing purposes shall be determined in kW, kVa, or HP or other quantity to three decimal places. Generally, demand meters shall not be installed on loads with an estimated Maximum Demand less than six (6) kW or eight (8) HP. Demands of such lesser loads shall be determined by a load check.

22. **TEMPORARY SERVICE:** Temporary service is electric service which, in the Company's opinion, is of an indefinite duration at the same location, and therefore may involve the retirement of Company investment before it can be amortized. Examples include, but are not limited to: service to contractors engaged in residential, commercial, or industrial construction; service to temporary, commercial enterprises such as gravel pits or Christmas tree lots; and service to occasional entertainment enterprises such as fairs and carnivals.

    A Customer requesting temporary service shall be required to pay costs of installation and removal of Company's facilities, including administrative overhead, and with credit allowed for material salvage value. In addition, the Customer shall pay the regular charge for electric service under the applicable rate schedule.

23. **SEASONAL SERVICE:** Refer to paragraph 28, BILLING INITIATION CHARGE. (M)

(N)

**PUGET SOUND ENERGY**
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## SCHEDULE 80
## GENERAL RULES AND PROVISIONS
(Continued)

24. STANDBY SERVICE - Emergency, breakdown, or other stand-by service shall be supplied by the Company only under special contract specifying the rates, terms, and conditions governing such service.

25. CONFLICT - In case of conflict between any provision of any rate schedule and these General Rules and Provisions, the provisions of the rate schedule shall apply.

26. REACTIVE POWER CHARGE - There shall be billed, as indicated in the applicable rate schedule, a charge per kilovolt ampere reactive hour (KVARH). However, the reactive power charge shall apply to only those electric loads with a monthly maximum Demand of 100 kW or higher. The meter used for the measurement of KVARH shall be ratcheted to prevent reverse registration. Customers may pay the Company at the following rates to reduce for a period of 30 years, the KVARH registered on a specific meter location: Schedule 11, 25, and 29 customers $53.50 per KVAR; Schedule 12 and 26 customers $27.62 per KVAR; Schedule 10, 31, and 35 customers $17.37 per KVAR; and Schedule 43 customers $47.24 per KVAR. After payment the following formula will be used to reduce the monthly metered KVARH: Purchased KVAR * 730 = Monthly KVARH credit. The KVARH credit is not transferable, except to a new customer at the same meter with a similar power factor. Customers shall be eligible for a prorated refund of amounts paid if necessary as a result of future changes in the method of billing.

27. SPECIAL CONTRACTS - If the rates under any contract which the Company has with any of its Customers are not prescribed in any of the schedules specified in this tariff, such rate shall be changed:

    a. By specific order of the Washington Utilities and Transportation Commission; or
    b. upon the effectiveness of a change in the rates specified by the schedule for the most similar class of service under similar conditions;

    in which cases the rates under such contract shall be deemed to be adjusted ratably on the same date. Thereafter, the Customer under the Contract shall pay for service at the adjusted rate.

**PUGET SOUND ENERGY, INC.**
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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

28. **BILLING INITIATION CHARGE:** A service charge of $6.10 shall be made for each new service location established, change of responsibility at a service location, or request for or restoration of seasonal service at a given service location. Where separate new connections or changes are required for service billed on different statements at the same address, the Billing Initiation Charge shall be applied to each statement, unless service has been separated for the Company's convenience. Billing Initiation Charges shall not apply to the following:
    a. When an additional service or meter is added at the same service location and billed on an existing statement.
    b. When an owner or agent has agreed through written application to the Company to assume temporary responsibility for service to vacated Premises and does so prior to disconnection due to vacancy.
    c. When a name change is requested following the death of a spouse.
    d. Existing service locations that are part of an existing service territory of a municipality, other regulated or unregulated electric utility, or primary metered system that is acquired by PSE. (N)

    Where a customer premises receives electric and natural gas service from the Company the Billing Initiation Charge shall be $7.50 for coincidentally establishing service for both electricity and natural gas. (K) (N)

29. **RETURNED ITEM CHARGE:** For each item a bank returns to the Company unpaid, the Company will charge $16.00 plus the amount of the item to the account(s) where the item (such as a check, AFT transaction, debit or credit card payment) was originally credited. Where a Customer receives electric and natural gas service from the Company or has multiple electric or natural gas accounts and pays with one check or item, only one service charge will be applied. Upon adequate justification, such as a bank error, the Company may waive or reverse a returned item charge.

(K) Transferred to Sheet No. 80-Z.1 (K)

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By: Ken Johnson **Title:** Director, State Regulatory Affairs

**PUGET SOUND ENERGY**
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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

30. **DISCONNECTION VISIT CHARGE:** When a visit by a Company representative to the Customer's service address for the purpose of disconnection of service does not result in disconnection of service, a service fee of $13.00 will be charged for each visit when the visit does not result in disconnection of service due to:
    a. collection of payment from the Customer; or,
    b. representation regarding payment by the Customer; or,
    c. upon the Company and Customer agreeing to payment arrangements satisfactory to the Company; or,
    d. the Customer has corrected a violation of rules that prompted the disconnection visit.

    Where a Customer premises receives both natural gas and electric service, only one charge will be made for each disconnection visit. Disconnection visits will only be made following the required notice to the Customer.

    COVID-19 Pandemic Exception: The Company shall suspend its collection of the disconnection visit charge until 30 days after the Commission issues its Order Adopting Rules or otherwise determines these charges in Docket U-210800. (C) (C)

31. **LATE PAYMENT FEE:** A late payment fee of 1% per month may be assessed on all balances which remain unpaid more than 10 business days after the statement due date and will be added to the Customer's billing statement at the next subsequent billing date, provided that a late payment fee will not be assessed sooner than 30 calendar days after the bill mailing date. Imposition of the late payment fee will be delayed 30 days for Customers with delinquent balances who have demonstrated that they have made application to an agency for financial aid. Customers who participate in the Budget Payment Plan will be exempt from the late payment fee as long as they remain on the Budget Payment Plan. Customers who make payments arrangements with the Company for an unpaid amount or Customers with delinquent balances which would otherwise be assessed a late payment fee during a period in which the Company voluntarily elects not to perform disconnections for nonpayment will be exempt from the late payment fee, assessed on this amount.

**PUGET SOUND ENERGY, INC.**
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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

32. **INTERCONNECTION WITH ELECTRIC GENERATORS:** Provisions relating to the interconnection of and with electric generators now are included in Schedule 152 however those Schedule 152 provisions are incorporated into Schedule 80 by this reference as if the entirety of Schedule 152 and the attachments to Schedule 152 were included in Schedule 80. (N) (D) (N) (D)

**PUGET SOUND ENERGY**
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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS**
(Continued)

33. INTERCONNECTION WITH GENERATORS FOR EMERGENCY SERVICE – The terms defined in Section 32 of Schedule 80 also apply in this section unless otherwise clearly indicated. As provided in Section 32, Customers with generation of no more than twenty megawatts (20 MW) for emergency service ("Generation" or "Generator" herein) may be Interconnected with and Operate In Parallel with the Company's electric system for less than one-half second, only upon notification to the Company and following written approval by the Company. Generators larger than twenty megawatts (20 MW) used for emergency service may only be Interconnected with and Operate In Parallel with the Company's electric system upon execution of an agreement that is acceptable to the Company. (N)

    a. Written Approval - The Company will issue written approval only following review and approval of the design of the Interconnection and related Interconnection Facilities, including interconnection protection equipment and following the Company's witness of acceptable operation of Interconnection Facilities. Approval of the design of the Interconnection Facilities and satisfactory operation shall be at the sole judgment of the Company. For Generators less than 1 MW that Operate In Parallel for less than one-tenth (1/10) second the Company may choose to not review the Interconnection, Interconnection Facilities or have a witness test prior issuance of written approval, such choice to review or not review shall not set any precedence. All existing Generators Interconnected prior to September 1, 2009, are considered to have written approval for Interconnection.

    b. Term of Written Approval - The Company's written approval remains in effect only as long as the interconnection protection equipment is properly maintained and remains in satisfactory operating condition and continues to meet current Standards and applicable codes. If the Parallel Operation of the Customer's Generation negatively impacts the Company's electrical system or the operation thereof, or negatively impacts any of the Company's other Customers, written approval is deemed to be revoked.

    c. Disconnection of Generation – The Company shall have the right to disconnect any Generator at the PCC under the following circumstances: (i) the Interconnection has not received the Company's written approval, (ii) written approval is no longer in effect or has been revoked, (iii) if the Generation or Interconnection Facilities does not meet current required Standards or codes, (iv) if the Generation at any time adversely affects or endangers any person, the property of any person, the Company's operation of its electric system or the quality of electric service to any other Customer. Disconnection may occur without notice. Where no disconnect switch is provided, disconnection will result in disconnection of Electric Service and the Customer agrees that disconnection may occur without notice and waives rights to notice as provided in WAC 480-100-128(3). (N)

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By: Tom DeBoer Tom DeBoer **Title**: Director, Federal & State Regulatory Affairs

**PUGET SOUND ENERGY**
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**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS**
(Continued)

d. Costs of Interconnection – The Customer shall be responsible for all costs of Interconnection, including any changes necessary to the Company's system, but shall not be responsible for the Company's cost of review and approval of the Interconnection design and witness test. The Company's Standards or applicable codes may change from time to time, the cost of compliance with such revised Standards or codes shall be the Customer's. (N)

e. Risks of Interconnection – The Customer assumes the risk of all damages losses, costs and agrees to indemnify the Company, its successors and assigns, and their respective directors, officers, employees and agents, from and against any and all claims, losses, costs, liabilities, damages and expenses including, but not limited to, reasonable attorneys' fees, resulting from or in connection with any Interconnection approved by the Company or which may occur or be sustained by the Company on account of any claim or action brought against the Company for any reason, including, but not limited to, loss to the electrical system of the Customer caused by or arising out of any electrical disturbance.

The Customer assumes the risk of all damages, losses, costs and expenses and agrees to indemnify the Company, its successors and assigns, and their respective directors, officers, employees and agents, from and against any and all claims, losses, costs, liabilities, damages and expenses including, but not limited to, reasonable attorneys' fees, resulting from the death or bodily injury to any person, including, but not limited to, the officers, employees, agents and subcontractors of either the Company or Customer, to the extent arising out of the Customer's negligence or willful misconduct. In connection with any action to enforce the Customer Generator's obligations under this Section with respect to any claim arising out of bodily injury (including death) of any employee of Customer, Customer waives any immunity, defense or other protection that may be afforded by any workers' compensation, industrial insurance or similar laws (including, but not limited to, the Washington Industrial Insurance Act, Title 51 RCW). This Section will not be interpreted or construed as a waiver of Customer's right to assert any such immunity, defense or protection directly against any of its own employees or such employee's estate or other representatives.

The provisions of this Section shall not be construed to relieve any insurer of its obligations to pay any insurance claims in accordance with the provisions of any insurance policy.

The Company shall have no liability, ownership interest, control or responsibility for the Customer's Electric Generator or its Interconnection with the Company's electric system, regardless of what the Company knows or should know about the Customer's Generator or its Interconnection. (N)

**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

34. **CONSTRUCTION OF ELECTRIC FACILITIES:** This section provides for the recovery of Company Costs for Projects requested or required by a Requesting Entity including, but not limited to, Projects resulting from requirements or conditional requirements of a permit or ordinance issued or passed by a Governmental Entity after the initial effective date of this provision. The Company shall not be obligated to undertake requested or required Projects if, in the Company's sole judgment, the Projects are not feasible, are impracticable, are not able to be permitted, or will result in an unreliable or less reliable electric system.

    a. Definitions – The following terms, when used in this rule, shall have the meanings listed below whether capitalized or not, unless clearly indicated otherwise. Terms defined in this section control, even if the term is defined in section 2 of this Schedule 80 or elsewhere in this tariff. Terms defined in section 2 of this Schedule 80 that are not in conflict with terms defined in this section will have the meanings given in section 2.

        i. Costs: All costs including, but not limited to, costs to produce an estimate of costs, costs for engineering, surveying, pre-construction coordination, reviewing plans and proposals, permits, land, Operating Rights, materials, labor, backfill, traffic control, acquisition and construction of access roads, disposal of spoils and other materials, removal or relocation of electric or other facilities conflicting with the route or location of construction, restoration, replacement, re-engineering and change orders, future increased operating and maintenance costs over the life of the facilities installed, taxes and overheads. Costs shall be determined by the Company using its own cost estimating system in conjunction with sound engineering practices.

        ii. Electric Facilities: All necessary electrical and non-electrical components of the electric system including, but not limited to materials, excavation, backfill, land, access roads and Operating Rights that are necessary, in the Company's sole judgment, in order for the Company to provide Electric Service to Customers.

        iii. Government Entity: Any agency, instrumentality, or other entity of municipal, county, state or federal government, including multi-jurisdictional agencies, instrumentalities, and entities.

**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

34. **CONSTRUCTION OF ELECTRIC FACILITIES** (Continued)**:**

a. Definitions – (Continued)

iv. Operating Rights: All legal rights necessary, in the Company's sole judgment, for the installation, operation, maintenance, repair or replacement of all Projects constructed pursuant to this schedule, including, without limitation, rights of access over, under, across, or through real property, including real property not owned by the Requesting Entity. Operating Rights shall be obtained by the Requesting Entity for the Company prior to the commencement of construction of such Project. Operating Rights shall be evidenced by one or more written instruments in form and substance satisfactory to the Company. Where Operating Rights are subject to fee, the Requesting Entity shall be responsible for payment of such fee.

v. Project: Electric Facilities constructed, relocated or rebuilt at the request of a Requesting Entity or Electric Facilities that are constructed, relocated or rebuilt in a different manner than initially proposed by the Company upon request of a Requesting Entity. Projects exclude Projects or portions of Projects for line extensions to provide service to new customers under Schedule 85 of this tariff and conversion to underground under Schedules 73 and 74 of this tariff. A Project includes all Electric Facilities necessary to effectuate the request.

vi. Public Thoroughfare: Any municipal, county, state, federal or other public road, highway or throughway, or other public right-of-way or other public real property rights allowing for electric utility use.

vii. Requesting Entity: Any Government Entity or other party or entity requesting or requiring services provided under this schedule.

**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

34. **CONSTRUCTION OF ELECTRIC FACILITIES** (Continued)**:**

b. Conditions – On occasion a Requesting Entity requests or requires the undertaking of, or changes to, a Project relating to the electric system. In order for the Projects undertaken in response to such requests to result in rates for electric service that are fair, just, reasonable and sufficient, the following conditions apply:

i. The Company, in its sole judgment, shall determine the Cost of the Electric Facilities for Projects based on the location, route, design, phase, voltage, capacity, and type of facilities to be constructed in the Company's sole judgment and in accordance with Company standards.

ii. Where the location, route, design, phase, voltage, capacity, type or any other characteristic of Electric Facilities proposed to be used by the Company is requested or required by a Requesting Entity to be different from that proposed by the Company, and that change results in increased Cost for the Electric Facilities which may result in higher costs for electric service, the Requesting Entity requesting or requiring a change in the Electric Facilities, including, but not limited to, a change in location, route, design, phase, voltage, capacity or type of facilities, shall pay the Company for any and all increase in Cost due to such change. Where a change in Electric Facilities proposed by the Company is requested or required by a Requesting Entity, the increased Cost to be paid by the Requesting Entity shall include the cost of additional facilities that are necessary, in the sole judgment of the Company, to achieve the level of reliability of the Electric Facilities originally proposed by the Company, as well as the cost to enhance reliability beyond that proposed by the Company if the Project requested by the Requesting Entity is intended to enhance reliability for the Requesting Entity. Where a change in existing Electric Facilities is requested or required by a Requesting Entity, the Requesting Entity shall pay the Company for the cost due to such change, including the cost of additional facilities that are necessary, in the sole judgment of the Company, to maintain the existing level of reliability, as well as the cost to enhance reliability beyond the existing level of reliability if the Project requested by the Requesting Entity is intended to enhance reliability for the Requesting Entity. Where a Requesting Entity requests a Project that replaces existing Electric Facilities, the Requesting Entity shall pay the Company for all of its Costs, including, but not limited to, the cost of all Electric Facilities removed or no longer of use, due to such Project.

**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

34. **CONSTRUCTION OF ELECTRIC FACILITIES** (Continued)**:**

b. Conditions – (Continued)

iii. The Company, in its sole judgment, shall determine the construction techniques, facility location including separation from other utilities, route, electrical design, phase, voltage, capacity and electrical type of all Electric Facilities to be installed in accordance with its standards.

iv. The Company, in its sole discretion, may determine that the Project or route is not feasible or is impracticable. Zoning or other land use regulations that allow for limited or zero set-back of structures from the property line, thereby leaving inadequate space for the Company's Electric Facilities, and environmental regulations are two of the many items the Company will consider in order to determine feasibility. The Company may determine that a Project is not feasible if it results in less reliable service to any Customer.

v. The Company or its contractor shall construct all Projects unless the Company decides otherwise. The Company shall own, operate and maintain the result of all Projects and shall own all land provided and Operating Rights granted that are necessary for all Projects.

vi. The Costs of any future relocation of the Electric Facilities installed under the provisions of this section shall be paid by the Requesting Entity and the Requesting Entity shall provide all necessary Operating Rights for such relocation at no cost to the Company.

vii. The Company shall not be required to provide service, and may interrupt or discontinue service, if all or any portion of its facilities or Operating Rights are taken through the exercise of police powers or the power of eminent domain or are taken under threat thereof or are otherwise lost, terminated, or canceled.

viii. The Company may refuse any Project requested by a Requesting Entity that has the effect of reducing the reliability or capacity available to other Customers.

**SCHEDULE 80**
**GENERAL RULES AND PROVISIONS** (Continued)

34. **CONSTRUCTION OF ELECTRIC FACILITIES** (Continued)**:**

c. Applicable Projects – The provisions of this Section 34 shall apply to Projects involving Electric Facilities including, but not limited to, the following:

i. Electric Facilities operating at 50,000 volts or more that are submarine or underground facilities placed underwater or at or under the surface of the earth, including surface to submarine transition Electric Facilities and overhead to underground transition Electric Facilities. The Company, in its sole judgment, shall determine the electrical and civil design for submarine or underground Electric Facilities. To determine the amount to be paid by the Requesting Entity, the actual Costs of the submarine or underground Electric Facilities shall be compared to the estimated Costs of overhead Electric Facilities and the Requesting Entity shall pay the additional cost. If overhead Electric Facilities are not feasible, the additional cost shall be the increase over an equivalent length of overhead Electric Facilities. The estimated Costs shall be of Electric Facilities connecting the same points in the Company's system, but along the least cost feasible route, as determined by the Company.

ii. Electric Facilities operating below 50,000 volts in Projects or portions of Projects to be located in a Public Thoroughfare that are requested or required by a Requesting Entity other than the Government Entity having authority over the Public Thoroughfare where the Electric Facilities are or will be located. The Requesting Entity shall pay costs in accordance with section b. ii. of this Section 34.

iii. Electric Facilities operating below 50,000 volts in Projects or portions of Projects to be located other than in a Public Thoroughfare. The Requesting Entity shall pay costs in accordance with section b. ii. of this Schedule 34.

d. Schedule 87 – The installation, modification or relocation of facilities under the provisions of this section shall be subject to the provisions of Schedule 87, Income Tax Rider.

e. Payment – The Requesting Entity, unless prohibited by law, shall pay the estimated Costs in advance of design engineering of the Project. If the Requesting Entity cannot lawfully pay the Costs in advance, the Costs shall be paid within fifteen (15) days of the date of the Company's invoice. If the actual Costs are less than or greater than the initial estimated Costs by more than ten percent (10%) of the estimate, the Company shall refund the excess payment to the Requesting Entity or bill the Requesting Entity for the underpayment so that the Requesting Entity pays the actual Costs.

**PUGET SOUND ENERGY**
**Electric Tariff G**

## SCHEDULE 555 (N)
## ELECTRIC VEHICLE FLEET CHARGING PRODUCTS AND SERVICES

1. **AVAILABILITY:** Throughout any territory served by the Company, this optional Schedule is to make available electric vehicle fleet charging products and services to any non-residential Electric Service Customers, at the sole discretion of the Company. The Company will collect and analyze from the Host electric usage, electric vehicle charging behavior data, and other information related to transportation electrification. A qualifying fleet EVSE Host will be subject to (a) the Host's pre-qualification by the Company and the entry by the Host into an agreement, in the form set forth in Attachment "A" for the Company-owned EVSE or Attachment "B" for a Host-owned EVSE to this Schedule ("Service Agreement"), with the Company in the minimum terms and conditions set forth in this Schedule for a minimum Term of ten (10) years; and (b) receipt by the Company from the Host of necessary documentation.

2. **PRODUCTS AND SERVICES:** Electric Service includes charging service and designated electric vehicle chargers and services hosted by Customers at Host-requested site(s); off-peak charging load management incentives; and allowances or incentives for EVSE and/or EV to applicable Hosts of fleet vehicle charging.

3. **ELECTRIC VEHICLE CHARGERS AND SMART CHARGERS AT NON-RESIDENTIAL LOCATIONS SERVING FLEET VEHICLES, HOST OBLIGATIONS:** The Company will install and furnish EVSE at a qualifying Host's site, subject to the following terms and conditions for both Customer-Owned and Host-Owned EVSE, at the Company's sole discretion.
   A. A Host must procure at least two (2) owned or leased electric vehicles for their fleet by the time that the EVSE at the Host site is installed and activated. Conversion of an existing light-duty, medium-duty, or heavy-duty vehicle to a battery-electric vehicle is also qualified as an EV. Off-road electric vehicles may be considered at the sole discretion of the Company.
   B. A Host that is also an Equity-Focused Customer needs only procure at least one (1) owned or leased electric vehicle in their fleet by the time the EVSE is installed and activated. Conversion of an existing light-duty, medium-duty, or heavy-duty vehicle to a battery-electric vehicle is also qualified as an EV. Off-road electric vehicles may be considered at the sole discretion of the Company.
   C. A Host must participate in surveys annually or as otherwise requested by the Company about their charging preference and actual charging pattern and other transportation electrification related topics requested by the Company and share the results with the Company. (N)

**PUGET SOUND ENERGY**
**Electric Tariff G**

**SCHEDULE 555**
**ELECTRIC VEHICLE FLEET CHARGING PRODUCTS AND SERVICES**
(Continued)

3. **ELECTRIC VEHICLE CHARGERS AND SMART CHARGERS AT NON-RESIDENTIAL LOCATIONS SERVING FLEET VEHICLES, HOST OBLIGATIONS** (Continued)**:**
   D. A Host must agree to all site infrastructure and EVSE related activities to install and activate EVSE, including completion of an easement agreement with the Company and installation of a separate Electric Service if required.
   E. A Host-installed EVSE must meet the standards, equipment, and metering requirements set by the Company.
   F. A Host will be automatically enrolled in Schedule 556, Electric Vehicle Load Management Incentive, unless terminated by the Host.
   G. A Host of the Company-owned EVSE must provide the Company with necessary access as described in Service Agreement Section 13. All expenses incurred by the Host to provide access are the responsibility of the Host.
   H. A Host must provide dedicated parking stall(s) for electric vehicle charging during the entire term of the Service Agreement, at the Host's expense.
   I. A Host must mount signage to comply with federal and state requirements at the Host's or the Company's expense.
   J. A Host must pay for the electricity supplied to the EVSE and Electric Vehicles using the EVSE. Electric usage charges will be billed under the Host's Electric Service schedule that EVSE is connected to. Hosts may not set EV Charging prices per kWh more than their average electric charges per kWh of their Electric Service from the Company for the site. (T)
   K. If a Host is not the owner of the property; the Host must obtain written permission from the property owner for installation of the EVSE and necessary access as outlined in this Schedule in a form acceptable to the Company.

4. **COMPANY OWNED ELECTRIC VEHICLE CHARGERS AND SMART CHARGERS AT HOST'S SITE ALLOWANCE:** Effective from January 1, 2023, the Company will install and furnish an EVSE at a qualifying Host's site, subject to the following terms and conditions, at the Company's sole discretion.
   A. The Company will provide an allowance for the EVSE installation up to $125,000 per DC Fast Charger Charging Port and up to $12,000 per Level 2 Charging Port that the Company incurred with a total site allowance of $250,000. The Host will be obligated to pay for the line extension costs under the Company's Schedule 85 and the EVSE installation costs in excess of the Schedule 555 allowance. (C) (C) (C)

**Issued:** December 20, 2023 **Effective:** January 26, 2024
**Advice No.:** 2023-59

**Issued By Puget Sound Energy**
By: Birud D. Jhaveri **Title:** Director, Regulatory Affairs

**SCHEDULE 555** (N)
**ELECTRIC VEHICLE FLEET CHARGING PRODUCTS AND SERVICES**
(Continued)

4. **COMPANY OWNED ELECTRIC VEHICLE CHARGERS AND SMART CHARGERS AT HOST'S SITE ALLOWANCE** (Continued)**:**
   B. The Company reserves the right to adjust these allowances at its sole discretion.

5. **HOST OWNED ELECTRIC VEHICLE CHARGERS AND SMART CHARGERS AT HOST SITE EVSE ALLOWANCE AND INCENTIVE:** Effective from January 1, 2023, the Company may provide an allowance toward Company-Side Facilities and an incentive toward Host-Side Facilities subject to the following terms and conditions, at the Company's sole discretion.
   A. For the Company-Side Facilities, the Company will provide an allowance for Company's Schedule 85 service line and transformation costs up to $20,000 per DC Fast Charger Charging Port and up to $2,000 per Level 2 Charging Port. The Company will also provide an incentive of 50% of the cost of Host-Side Facilities up to $40,000 per DC Fast Charger Charging Port and up to $2,000 per Level 2 Charging Port installed at the Host's site with a total site allowance and incentive limit of $250,000. The Host will be obligated to pay the Company-Side Facilities line extension costs in excess of the Schedule 555 Company-Side Facilities allowance under the Company's Schedule 85. The Host has the sole financial responsibility for Host-Side Facilities costs in excess of the Schedule 555 Host-Side Facilities incentive.
   B. For an Equity-Focused Customer Host, the Company will provide an allowance for the Company's Schedule 85 service line and transformation costs up to $20,000 per DC Fast Charger Charging Port and up to $2,000 per Level 2 Charging Port. The Company will also provide an incentive of 100% of the EVSE installation costs up to $80,000 per DC Fast Charger Charging Port and up to $4,000 per Level 2 Charging Port installed at the Host's site, with a total site limit of $250,000. The Host will be obligated to pay the line extension costs under the Company's Schedule 85. The Host has the sole financial responsibility for Host-Side Facilities costs in excess of the Schedule 555 Host-Side Facilities incentive.
   C. The Company reserves the right to adjust these incentives at its sole discretion.

(N)

**SCHEDULE 555** (N)
**ELECTRIC VEHICLE FLEET CHARGING PRODUCTS AND SERVICES**
(Continued)

6. **HOST OWNED ELECTRIC VEHICLE PURCHASE INCENTIVE**: Effective from January 1, 2023, the Company may provide an incentive toward Host purchase of an Electric Vehicle subject to the following terms and conditions, at the Company's sole discretion:
   A. The Company will provide an incentive of up to $2,000 per battery-electric forklift procured by a Host.
   B. For an Equity-Focused Customer Host, the Company will provide an incentive of up to $7,500 per light-duty electric vehicle (weight classes 1-2), up to 50% of the incremental cost not to exceed $100,000 per electric medium-duty vehicle (weight classes 3-6), and up to 50% of the incremental cost not to exceed $150,000 per electric heavy-duty vehicle (weight classes 7-8). Incremental cost is defined as the cost difference between an equivalent internal combustion engine vehicle and an equivalent electric vehicle. EV purchase incentives must be in combination with an approved EVSE installation hosted and owned by an Equity-Focused Customer Host under this Schedule.
   C. A Host must be taking service under this Schedule to qualify as eligible for this incentive.
   D. The Company reserves the right to adjust incentive limits at its sole discretion.

7. **OFF-PEAK CHARGING LOAD MANAGEMENT INCENTIVE:** Effective January 1, 2023, the Company may provide an incentive for the EV charging sessions that occur during off-peak times. Off-peak charging and incentive credits are described under Electric Service Schedule 556 Electric Vehicle Load Management Incentive.
   A. The Company may vary the amount of these incentive credits to measure Host response and to balance the costs of providing the incentives with the benefits created.
   B. A Host may terminate their participation in Schedule 556 at any time.

(N)

**SCHEDULE 555** (N)
**ELECTRIC VEHICLE FLEET CHARGING PRODUCTS AND SERVICES**
(Continued)

8. **TERMS AND CONDITIONS**:
   A. All Schedule 555 Hosts will be a participant in the Company's review, survey, and analysis of its electric vehicle fleet charging products and services.
   B. A Host receiving charger products and services, Smart Charger or Electric Vehicle Charger must provide the Company with the following at the Host's expense:
      I. Access and easements, if needed, for equipment installation and maintenance, and
      II. Dedicated space with at least one foot clearance around the charger during the entire term the Host is receiving Schedule 555 Products and services.
   C. In order to maintain eligibility to take service under this Schedule, all EVSE will be connected to the internet service furnished by the Host for data collection purposes. If a reliable internet connection is not maintained to the satisfaction of the Company, the Company may remove the Host from this Schedule.

9. **SCHEDULE 583:** Products and services under this Schedule are subject to the definitions and provisions of Schedule 583, Electric Vehicle Charging Products and Services, contained in this tariff.

10. **GENERAL RULES AND PROVISIONS**: Electric Service under this Schedule is subject to the General Rules and Provisions contained in this tariff (Schedule 80), as they may be modified from time to time, and to other schedules of the tariff that may from time to time apply to this Schedule.

(N)

**CITY OF OAK HARBOR** **Bill No.** 6.a
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Ordinance No. 1998: Adoption of a Business & Occupation Tax
**Submitted By:** DAVID GOLDMAN, Deputy City Administrator

**RECOMMENDED ACTION**
Open Public Hearing.

Motion to approve Ordinance No. 1998, Amending Title 3 of the Oak Harbor Municipal Code to add a new Chapter 3.98, pertaining to the adoption of a local business & occupation tax with an effective date of July 1, 2025.

Separate motion to restrict funding:

Motion to commit local business & occupation tax revenues imposed by the Oak Harbor City Council in Oak Harbor Municipal Code Section 3.98.050 for the purposes of the construction, repair, replacement, or rejuvenation of City Marina facilities and dredging and for the servicing of any debt issued by the City for said purposes and for the purpose of the construction of a new community recreation center and for the servicing of any debt issued by the City for said purpose.

**BACKGROUND / SUMMARY INFORMATION**
During previous Council meetings and workshops, Deputy Director Goldman presented multiple agenda items related to the adoption of a local Business and Occupation (B&O) Tax to fund community identified projects that were discussed by City Council. On May 21, 2024 a proposed ordinance was presented to City Council for B&O Tax implementation, which was not adopted. On December 18, 2024, Deputy City Administrator Goldman led two public B&O Tax Talks where he presented the details of a potential local B&O Tax and answered questions from the community. During the discussion about the potential for the creation of a Port District at the January 21, 2025 Council Meeting, the implementation of a local B&O tax was discussed. During the discussions at the February and March 2025 City Council Workshops regarding the implementation of a local B&O Tax, council provided feedback to staff regarding the characteristics of an Oak Harbor B&O Tax.

Based on that feedback, the local B&O tax brought forward for Council consideration and approval today contains the following characteristics:

- Gross annual receipts exemption threshold = $5,000,000.
- Rate = 0.002..
- Effective date = July 1, 2025.
- Initial collection date = January 31, 2026; quarterly thereafter.

A separate motion is also included to commit* the use of the funds for the following purposes:

- For the construction, repair, replacement, or rejuvenation of City Marina facilities and dredging and for the servicing of any debt issued by the City for said purposes.
- For the purpose of the construction of a new community recreation center and for the servicing of any debt issued by the City for said purpose.

* The use of the term “commit” is based on governmental accounting standards definition of the term: "The committed fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government‘s highest level of decision-making authority."

Options:

| | Option 1 | Option 2 | Option 3 | Option 4 |
|---|---|---|---|---|
| Business Tax Threshold (gross annual receipts) | $ 5,000,000 | $ 2,500,000 | $ 1,000,000 | $ 100,000 |
| Number of Business Applicable | 26 | 59 | 147 | 524 |
| Percent of all Oak Harbor Business Applicable | 1% | 2.4% | 6.1% | 22% |
| Retail Rate | 0.002 | 0.002 | 0.002 | 0.002 |
| Services Rate | 0.002 | 0.002 | 0.002 | 0.002 |
| Wholesale Rate | 0.002 | 0.002 | 0.002 | 0.002 |
| Manufacturing Rate | 0.002 | 0.002 | 0.002 | 0.002 |
| Gross Annual Receipts over Minimum | $ 430,476,138 | $ 525,682,608 | $ 660,563,433 | $ 875,589,140 |
| Estimated Annual Revenue Generated @ 80% to estimate for exemptions | **$ 825,488** | **$ 999,501** | **$ 1,257,263** | **$ 1,679,929** |
| Maximum | $ 138,871 | $ 143,871 | $ 146,871 | $ 148,671 |
| Minimum | $ 30 | $ 19 | $ 2 | $ 1 |
| Median | $ 7,646 | $ 2,482 | $ 1,544 | $ 504 |
| Retail Revenue | $ 641,844 | $ 749,276 | $ 878,130 | $ 1,067,595 |
| Services Revenue | $ 136,942 | $ 175,249 | $ 277,457 | $ 483,910 |
| Wholesale Revenue | $ 16,701 | $ 39,976 | $ 63,676 | $ 83,894 |
| Manufacturing Revenue | $ 30,000 | $ 35,000 | $ 38,000 | $ 44,530 |

Outreach

Since at the $5,000,000 threshold it is estimated that about 26 businesses could be affected and at the $2,500,000 threshold it is estimated that about 59 businesses could be affected, we sent out notices to the largest 100 businesses in the City to more than cover the group of businesses that could be effected by this. The notice and FAQ's that were sent are attached in this staff report. We received one response from this outreach inquiring when the meeting would be taking place so that they could get a better understanding. We responded with the background and history of public meetings and hearings to date, links to the City's agenda center where they could find the meeting agendas, minutes, and videos, the date of this hearing, and how they can submit written comments to the City Council.

Next Steps:
After City Council approval, staff will conduct outreach to the business community, create tax forms and worksheets, procure the services of an electronic tax collection vendor, create internal processes and train relevant staff, and update the City's website (in phases) with B&O information item such as B&O background, FAQs, tax forms, and links to the electronic tax collection portal. We plan to intensify outreach with the approach of the first payment deadline.

**LEGAL AUTHORITY**
Washington Constitution Article XI, Sec. 12
RCW Sections 35A.82.020 and 35A.11.020

**FISCAL IMPACT**
Approximately $0.8 to $1.7 million of annual recurring revenue could be raised through a local Business and Occupation tax for general government purposes.

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

- March 27, 2024 City Council Workshop.
- May 21, 2024 City Council Meeting – Proposed Ordinance presented and not adopted.
- Mentioned during the budget hearings and workshops conducted for the 2025-26 biennial budget and other Council items.
- December 18, 2024 two public outreach meetings held.
- January 21, 2025 City Council Meeting during discussion on potential creation of a Public Port District.
- February 25, 2025 City Council Workshop.
- March 25, 2025 City Council Workshop.

**ATTACHMENTS**
1. ORD adding new Chpt 3.98 BO tax V4
2. B&O Outreach Letter
3. Letter - FAQ Attachment
4. 1. 4-15-25 - B&O Tax Adoption

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF OAK HARBOR, WASHINGTON, AMENDING TITLE 3 OF THE OAK HARBOR MUNICIPAL CODE TO ADD A NEW CHAPTER 3.98, PERTAINING TO THE ADOPTION OF A BUSINESS AND OCCUPATION TAX; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Washington Constitution Article XI, Sec. 12 vests the power to assess and collect taxes for municipal purposes in counties, cities, towns, and other municipal corporations; and

WHEREAS, Section 35A.82.020 of the Revised Code of Washington ("RCW") permits a code city to exercise its authority to impose excises for revenue in regard to all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades and professions, and any other lawful activity; and

WHEREAS, RCW 35A.11.020 grants the legislative bodies of code cities within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the State; and

WHEREAS, the City's Comprehensive Financial Management Policy requires a well-diversified and stable revenue system to be maintained to shelter public services from short-run fluctuations in any particular revenue source; and

WHEREAS, the City's Comprehensive Financial Management Policy requires current revenue to be sufficient to support current expenditures; and

WHEREAS, the Municipal Research and Services Center (MRSC) publication, *Revenue Guide for Washington Cities and Towns*, indicates that the four main unrestricted revenue sources provided to cities by the state legislature are property taxes, sales taxes, utility taxes, and business and occupation taxes; and

WHEREAS, the three main unrestricted revenue sources that the City of Oak Harbor has implemented do not meet the aforementioned requirements of the City's Comprehensive Financial Management Policy due to the property tax councilmanic increase limit of 1% per annum, arrested growth and economic uncertainty of sales tax, and utility taxes' dependance on the City owned utility rates, which have not increased to keep up with inflation; and

WHEREAS, the Oak Harbor City Council is desirous of providing for diversification of the City's unrestricted general revenue stream and having sufficient revenue to fund current expenditures;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One.** Title 3 Amended. Title 3 of the Oak Harbor Municipal Code is hereby amended by adding a new Chapter 3.98, entitled "Business and Occupation Tax," as follows:

## CHAPTER 3.98
## BUSINESS AND OCCUPATION TAX

Sections:


3.98.010 Purpose.
3.98.020 Exercise of revenue license power.
3.98.028 Administrative provisions.
3.98.030 Definitions.
3.98.050 Imposition of the tax – tax or fee levied.
3.98.070 Multiple activities credit when activities take place in one or more cities with eligible gross receipt taxes.
3.98.075 Deductions to prevent multiple taxation of certain manufacturing activities involving more than one city with an eligible gross receipts tax.
3.98.076 Assignment of gross income derived from intangibles.
3.98.077 Allocation and apportionment of income when activities take place in more than one jurisdiction.
3.98.078 Allocation and apportionment of printing and publishing income when activities take place in more than one jurisdiction.
3.98.090 Exemptions.
3.98.100 Deductions.
3.98.120 Tax part of overhead.
3.98.130 Severability.


**3.98.010 Purpose.** The purpose of this chapter is to implement the authority of the city to license for revenue pursuant to Article XI, Section 12 of the Washington Constitution and RCW 35A.82.020 and 35A.11.020. In the absence of a legal or constitutional prohibition, the city possesses the power to define taxation categories as it sees fit in order to respond to the unique concerns and responsibilities of local government.

**3.98.020 Exercise of revenue license power.** The provisions of this chapter shall be deemed an exercise of the power of the city to license for revenue. The provisions of this chapter are subject to periodic statutory or administrative rule changes or judicial interpretations of the ordinances or rules. The responsibility rests with the licensee or taxpayer to reconfirm tax computation procedures and remain in compliance with the city code.

**3.98.028 Administrative Provisions.** The administrative provisions contained in Chapter 3.99 OHMC shall be fully applicable to the provisions of this chapter except as expressly stated to the contrary herein.

**3.98.030 Definitions.** In construing the provisions of this chapter, the following definitions shall be applied. Words in the singular number shall include the plural, and the plural shall include the singular.

**(1) "Business."** "Business" includes all activities engaged in with the object of gain, benefit,

or advantage to the taxpayer or to another person or class, directly or indirectly.

**(2) "Business and occupation tax."** "Business and occupation tax" or "gross receipts tax" means a tax imposed on or measured by the value of products, the gross income of the business, or the gross proceeds of sales, as the case may be, and that is the legal liability of the business.

**(3) "Commercial or industrial use."** "Commercial or industrial use" means the following uses of products, including by-products, by the extractor or manufacturer thereof:

(a) Any use as a consumer; and
(b) The manufacturing of articles, substances or commodities;

**(4) "Delivery"** means the transfer of possession of tangible personal property between the seller and the buyer or the buyer's representative. Delivery to an employee of a buyer is considered delivery to the buyer. Transfer of possession of tangible personal property occurs when the buyer or the buyer's representative first takes physical control of the property or exercises dominion and control over the property. Dominion and control means the buyer has the ability to put the property to the buyer's own purposes. It means the buyer or the buyer's representative has made the final decision to accept or reject the property, and the seller has no further right to possession of the property and the buyer has no right to return the property to the seller, other than under a warranty contract. A buyer does not exercise dominion and control over tangible personal property merely by arranging for shipment of the property from the seller to itself. A buyer's representative is a person, other than an employee of the buyer, who is authorized in writing by the buyer to receive tangible personal property and take dominion and control by making the final decision to accept or reject the property. Neither a shipping company nor a seller can serve as a buyer's representative. It is immaterial where the contract of sale is negotiated or where the buyer obtains title to the property. Delivery terms and other provisions of the Uniform Commercial Code (Title 62A RCW) do not determine when or where delivery of tangible personal property occurs for purposes of taxation.

**(5) "Digital automated service," "digital code," and "digital goods"** have the same meaning as in RCW 82.04.192.

**(6) "Digital products"** means digital goods, digital codes, digital automated services, and the services described in RCW 82.04.050(2)(g) and (6)(c).

**(7) "Eligible gross receipts tax."** The term "eligible gross receipts tax" means a tax which:

(a) Is imposed on the act or privilege of engaging in business activities within OHMC 3.98.050; and
(b) Is measured by the gross volume of business, in terms of gross receipts and is not an income tax or value added tax; and
(c) Is not, pursuant to law or custom, separately stated from the sales price; and
(d) Is not a sales or use tax, business license fee, franchise fee, royalty or severance tax

measured by volume or weight, or concession charge, or payment for the use and enjoyment of property, property right or a privilege; and

(e) Is a tax imposed by a local jurisdiction, whether within or without the state of Washington, and not by a country, state, province, or any other non-local jurisdiction above the county level.

**(8) "Engaging in business."**

(a) The term "engaging in business" means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(b) This section sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimis business activities in the city without having to register and obtain a business license or pay city business and occupation taxes. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (a), above. If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

(c) Without being all inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.

1. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the city.
2. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the city.
3. Soliciting sales.
4. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
5. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
6. Installing, constructing, or supervising installation or construction of, real or tangible personal property.
7. Soliciting, negotiating, or approving franchise, license, or other similar agreements.
8. Collecting current or delinquent accounts.
9. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
10. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

11. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, and veterinarians.
12. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
13. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the city, acting on its behalf, or for customers or potential customers.
14. Investigating, resolving, or otherwise assisting in resolving customer complaints.
15. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
16. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

(d) If a person, or their employee, agent, representative, independent contractor, broker, or another acting on the person's behalf, engages in no other activities in or with the city but the following, then that person need not register and obtain a city business license and pay tax.
1. Meeting with suppliers of goods and services as a customer.
2. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
3. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.
4. Renting tangible or intangible property as a customer when the property is not used in the city.
5. Attending, but not participating in a "trade show" or "multiple vendor events." Persons participating at a trade show shall review the city's trade show or multiple vendor event ordinances.
6. Conducting advertising through the mail.
7. Soliciting sales by phone from a location outside the city.

(e) A seller located outside the city merely delivering goods into the city by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the city. Such activities do not include those in subsection (d), above.

The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the tax under the law and the constitutions of the United States and the state of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

**(9) "Extracting."** "Extracting" is the activity engaged in by an extractor and is reportable under the extracting classification.

**(10) "Extractor."** "Extractor" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use, mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product; or fells, cuts or takes timber, Christmas trees other than plantation Christmas trees, or other natural products; or takes fish, shellfish, or other sea or inland water foods or products. "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others; or persons meeting the definition of farmer pursuant to RCW 82.04.213.

**(11) "Extractor for hire."** "Extractor for hire" means a person who performs under contract necessary labor or mechanical services for an extractor.

**(12) "Gross income of the business."** "Gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

**(13) "Gross proceeds of sales."** "Gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property, digital goods, digital codes, digital automated services or for other services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

**(14) "Manufacturing."** "Manufacturing" means the activity conducted by a manufacturer and is reported under the manufacturing classification.

**(15) "Manufacturer," "to manufacture."**

(a) "Manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from the person's own materials or ingredients any products. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, materials or ingredients equal to less than twenty percent (20%) of the total value of all materials or ingredients that become a part of the finished product, the owner of the equipment or facilities will be deemed to be a processor for hire, and not a manufacturer. A business not located in this city that is the owner of

materials or ingredients processed for it in this city by a processor for hire shall be deemed to be engaged in business as a manufacturer in this city.

(b) "To manufacture" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials or ingredients so that as a result thereof a new, different or useful product is produced for sale or commercial or industrial use, and shall include:

1. The production of special-made or custom-made articles;
2. The production of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician;
3. Crushing and/or blending of rock, sand, stone, gravel, or ore; and
4. The producing of articles for sale, or for commercial or industrial use from raw materials or prepared materials by giving such materials, articles, and substances of trade or commerce new forms, qualities, properties or combinations including, but not limited to, such activities as making, fabricating, processing, refining, mixing, slaughtering, packing, aging, curing, mild curing, preserving, canning, and the preparing and freezing of fresh fruits and vegetables.

"To manufacture" shall not include the production of digital goods or the production of computer software if the computer software is delivered from the seller to the purchaser by means other than tangible storage media, including the delivery by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

**(16) "Nonprofit corporation or nonprofit organization."** "Nonprofit corporation or nonprofit organization" means a corporation or organization in which no part of the income can be distributed to its members, directors, or officers and that holds a current tax exempt status as provided under Section 501(c)(3) of the Internal Revenue Code, as hereafter amended, or is specifically exempted from the requirement to apply for its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, as hereafter amended. Where the term "nonprofit organization" is used, it is meant to include a nonprofit corporation.

**(17) "Person."** "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise and the United States or any instrumentality thereof.

**(18) "Retailing."** "Retailing" means the activity of engaging in making sales at retail and is reported under the retailing classification.

**(19) "Retail Service."** "Retail service" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, swimming, bungee jumping, ski lifts and tows, basketball, racquet ball, handball, squash, tennis, batting cages, day trips for sightseeing purposes, and others, when provided to consumers. "Amusement and recreation services" also include the provision of related facilities such as basketball courts, tennis courts, handball courts, swimming pools, and charges made for providing the opportunity to dance. The term "amusement and recreation services" does not include instructional lessons to learn a particular activity, such as tennis lessons, swimming lessons, or archery lessons;
(b) Abstract, title insurance, and escrow services;
(c) Credit bureau services;
(d) Automobile parking and storage garage services;
(e) Landscape maintenance and horticultural services, but excluding: (i) horticultural services provided to farmers; and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;
(f) Service charges associated with tickets to professional sporting events; and
(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, Turkish bath services, escort services, and dating services.
(h) The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

**(20) "Sale," "casual or isolated sale."**

(a) "Sale" means any transfer of the ownership of, title to, or possession of, property for a valuable consideration and includes any activity classified as a "sale at retail," "retail sale," or "retail service." It includes renting or leasing, conditional sale contracts, leases with option to purchase, and any contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It also includes the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not.
(b) "Casual or isolated sale" means a sale made by a person who is not engaged in the business of selling the type of property involved on a routine or continuous basis.

**(21) "Sale at retail," "retail sale."**

(a) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers, other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:
    1. Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person; or
    2. Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes

an ingredient or component of such real or personal property without intervening use by such person; or

3. Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or
4. Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or
5. Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in subsections (1), (2), (3), (4), or (5) of this Section 3.98.030(20)(a) following such use.
6. Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (g) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(b) "Sale at retail" or "retail sale" also means every sale of tangible personal property to persons engaged in any business activity which is taxable under OHMC 3.98.050(1)(g).

(c) "Sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

1. The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin-operated laundry facilities when such facilities are situated in an apartment house, rooming house, or mobile home park for the exclusive use of the tenants thereof, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;
2. The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;
3. The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to

the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

4. The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;
5. The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;
6. The sale of and charge made for the furnishing of lodging and all other services, except telephone business and cable service, by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;
7. The installing, repairing, altering, or improving of digital goods for consumers;
8. The sale of or charge made for tangible personal property, labor and services to persons taxable under subsections (1), (2), (3), (4), (5), (6), and (7) of this Section 3.98.030(20)(c) when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify OHMC 3.98.030(20)(a) and nothing contained in OHMC 3.98.030(20)(a) shall be construed to modify this subsection.

(d) "Sale at retail" or "retail sale" shall also include the providing of competitive telephone service to consumers.

(e) "Sale at retail" or "retail sale"

1. "Sale at retail" or "retail sale" shall also include the sale of prewritten software other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user. For purposes of this subsection (e)(1) the sale of the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten

computer software, regardless of how the sale may characterized by the vendor or by the purchaser. The term "sale at retail" or "retail sale" does not include the sale of or charge made for:

(i) Custom software; or

(ii) The customization of prewritten software.

2. (i) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

(ii) (a) The service described in (2)(i) of this subsection (e) includes the right to access and use prewritten software to perform data processing.

(b) For purposes of this subsection (2)(ii), "data processing" means the systematic performance of operations on data to extract the required information in an appropriate form or to convert the data to usable information. Data processing includes check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities.

(f) "Sale at retail" or "retail sale" shall also include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state, by the state of Washington, or by the United States, and which is used or is to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(g) "Sale at retail" or "retail sale" shall also include the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement.

(h) "Sale at retail" or "retail sale" shall also include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation.

(i) "Sale at retail" or "retail sale" shall not include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States, or

its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

(j) "Sale at retail" or "retail sale" shall not include the sale of or charge made for labor and services rendered for environmental remedial action.

(k) "Sale at retail" or "retail sale" shall also include the following sales to consumers of digital goods, digital codes, and digital automated services:

1. Sales in which the seller has granted the purchaser the right of permanent use;
2. Sales in which the seller has granted the purchaser a right of use that is less than permanent;
3. Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and
4. Sales in which the purchaser is obligated to make continued payment as a condition of the sale. A retail sale of digital goods, digital codes, or digital automated services under this Subsection 3.98.030(20)(k) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services. For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

(l) "Sale at retail" or "retail sale" shall also include the installing, repairing, altering, or improving of digital goods for consumers.

**(22) "Sale at wholesale," "wholesale sale."** "Sale at wholesale" or "wholesale sale" means any sale of tangible personal property, digital goods, digital codes, digital automated services, prewritten computer software, or services described in OHMC 3.98.030(20)(e)(2)(ii), which is not a retail sale, and any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property and retail services, if such charge is expressly defined as a retail sale or retail service when rendered to or for consumers. Sale at wholesale also includes the sale of telephone business to another telecommunications company as defined in RCW 80.04.010 for the purpose of resale, as contemplated by RCW 35.21.715.

**(23) "Services."** "Services includes those activities that do not fall within one of the other tax classifications used in this chapter.

**(24) "Taxpayer."** "Taxpayer" means any "person", as herein defined, required to have a business license under this chapter or liable for the collection of any tax or fee under this chapter, or who engages in any business or who performs any act for which a tax or fee is imposed by this chapter.

**(25) "Value proceeding or accruing."** "Value proceeding or accruing" means the consideration, whether money, credits, rights, or other property expressed in terms of money, a person is entitled to receive or which is actually received or accrued. The term

shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer.

**(26) "Value of products."**

(a) The value of products, including by-products, extracted or manufactured, shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or by-products by the seller.

(b) Where such products, including by-products, are extracted or manufactured for commercial or industrial use; and where such products, including by-products, are shipped, transported or transferred out of the city, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale; the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products. In the absence of sales of similar products as a guide to value, such value may be determined upon a cost basis. In such cases, there shall be included every item of cost attributable to the particular article or article extracted or manufactured, including direct and indirect overhead costs. The finance director may prescribe rules for the purpose of ascertaining such values.

(c) Notwithstanding subsection (25)(b) above, the value of a product manufactured or produced for purposes of serving as a prototype for the development of a new or improved product shall correspond to:

1. the retail selling price of such new or improved product when first offered for sale; or
2. the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

**(27) "Wholesaling."** "Wholesaling" means engaging in the activity of making sales at wholesale, and is reported under the wholesaling classification.

**3.98.050 Imposition of the tax - tax or fee levied.**

(1) Except as provided in subsection (2) of this section, there is hereby levied upon and shall be collected from every person a tax for the act or privilege of engaging in business activities within the city, whether the person's office or place of business be within or without the city. The tax shall be in amounts to be determined by application of rates against gross proceeds of sale, gross income of business, or value of products, including by-products, as the case may be, as follows:

(a) Upon every person engaging within the city in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including by-products, extracted within the city for sale or for commercial or industrial use, multiplied by the rate of two-tenths of one percent

(0.002). The measure of the tax is the value of the products, including by-products, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the city.

(b) Upon every person engaging within the city in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including by-products, manufactured within the city, multiplied by the rate of two-tenths of one percent (0.002). The measure of the tax is the value of the products, including by-products, so manufactured, regardless of the place of sale or the fact that deliveries may be made to points outside the city.

(c) Upon every person engaging within the city in the business of making sales at wholesale; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of such sales of the business without regard to the place of delivery of articles, commodities or merchandise sold, multiplied by the rate of two-tenths of one percent (0.002).

(d) Upon every person engaging within the city in the business of making sales at retail; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of such sales of the business, without regard to the place of delivery of articles, commodities or merchandise sold, multiplied by the rate of two-tenths of one percent (0.002).

(e) Upon every person engaging within the city in the business of: (i) printing, (ii) both printing and publishing newspapers, magazines, periodicals, books, music, and other printed items, (iii) publishing newspapers, magazines and periodicals, (iv) extracting for hire, and (v) processing for hire; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of two-tenths of one percent (0.002).

(f) Upon every person engaging within the city in the business of making sales of retail services; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales multiplied by the rate of two-tenths of one percent (0.002).

(g) Upon every other person engaging within the city in any business activity other than or in addition to those enumerated in the above subsections; as to such persons, the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of two-tenths of one percent (0.002). This subsection includes, among others, and without limiting the scope hereof (whether or not title to material used in the performance of such business passes to another by accession, merger or other than by outright sale), persons engaged in the business of developing, or producing custom software or of customizing canned software, producing royalties or commissions, and persons engaged in the business of rendering any type of service which does not constitute a sale at retail, a sale at wholesale, or a retail service.

(2) The gross receipts tax imposed in this section shall not apply to any person whose gross proceeds of sales, gross income of the business, and value of products, including by-products, as the case may be, from all activities conducted within the city during any calendar year is equal to or less than $5~~1~~,000,000, or is equal to or less than $1,250,000 during any quarter if on a quarterly reporting basis.

**3.98.070 Multiple activities credit when activities take place in one or more cities with eligible gross receipt taxes.**

(1) Persons who engage in business activities that are within the purview of two or more subsections of OHMC 3.98.050 shall be taxable under each applicable subsection.

(2) Notwithstanding anything to the contrary herein, if imposition of the city's tax would place an undue burden upon interstate commerce or violate constitutional requirements, a taxpayer shall be allowed a credit to the extent necessary to preserve the validity of the city's tax, and still apply the city tax to as much of the taxpayer's activities as may be subject to the city's taxing authority.

(3) To take the credit authorized by this section, a taxpayer must be able to document that the amount of tax sought to be credited was paid upon the same gross receipts used in computing the tax against which the credit is applied.

(4) Credit for Persons That Sell in the City Products That They Extract or Manufacture. Persons taxable under the retailing or wholesaling classification with respect to selling products in this city shall be allowed a credit against those taxes for any eligible gross receipts taxes paid (a) with respect to the manufacturing of the products sold in the city, and (b) with respect to the extracting of the products, or the ingredients used in the products, sold in the city. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

(5) Credit for Persons That Manufacture Products in the City Using Ingredients They Extract. Persons taxable under the manufacturing classification with respect to manufacturing products in this city shall be allowed a credit against those taxes for any eligible gross receipts tax paid with respect to extracting the ingredients of the products manufactured in the city. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(6) Credit for Persons That Sell Within the City Products That They Print, or Publish and Print. Persons taxable under the retailing or wholesaling classification with respect to selling products in this city shall be allowed a credit against those taxes for any eligible gross receipts taxes paid with respect to the printing, or the printing and publishing, of the products sold within the city. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

**3.98.075 Deductions to prevent multiple taxation of certain manufacturing activities involving more than one city with an eligible gross receipts tax.**

A person manufacturing products within the city using products manufactured by the same person outside the city may deduct from the measure of the manufacturing tax the value of products manufactured outside the city and included in the measure of an eligible gross receipts tax paid to the other jurisdiction with respect to manufacturing such products.

**3.98.076 Assignment of gross income derived from intangibles.**

Gross income derived from the sale of intangibles such as royalties, trademarks, patents, or goodwill shall be assigned to the jurisdiction where the person is domiciled (its headquarters is located).

**3.98.077 Allocation and apportionment of income when activities take place in more than one jurisdiction.**

Gross income, other than persons subject to the provisions of chapter 82.14A RCW, shall be allocated and apportioned as follows:

(1) Gross income derived from all activities other than those taxed as service or royalties under OHMC 3.98.050(1)(g) shall be allocated to the location where the activity takes place.

(2) In the case of sales of tangible personal property, the activity takes place where delivery to the buyer occurs.

(3) In the case of sales of digital products, the activity takes place where delivery to the buyer occurs. The delivery of digital products will be deemed to occur at:
   (a) The seller's place of business if the purchaser receives the digital product at the seller's place of business;
   (b) If not received at the seller's place of business, the location where the purchaser or the purchaser's donee, designated as such by the purchaser, receives the digital product, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;
   (c) If the location where the purchaser or the purchaser's donee receives the digital product is not known, the purchaser's address maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;
   (d) If no address for the purchaser is maintained in the ordinary course of the seller's business, the purchaser's address obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith; and
   (e) If no address for the purchaser is obtained during the consummation of the sale, the address where the digital good or digital code is first made available for transmission by the seller or the address from which the digital automated service or service described in RCW 82.04.050 (2)(g) or (6)(c) was provided, disregarding for these purposes any location that merely provided the digital transfer of the product sold.

(4) If none of the methods in subsection 3.98.077(3) for determining where the delivery of digital products occurs are available after a good faith effort by the taxpayer to apply the methods provided in subsections 3.98.077(3)(a) through 3.98.077(3)(e), then the city and the taxpayer may mutually agree to employ any other method to effectuate an equitable allocation of income from the sale of digital products. The taxpayer will be responsible for petitioning the city to use an alternative method under this subsection 3.98.077(4). The city may employ an alternative method for allocating the income from the sale of digital products if the methods provided in subsections 3.98.077(3)(a) through 3.98.077(3)(e) are not available and the taxpayer and the city are unable to mutually agree on an alternative method to effectuate an equitable allocation of income from the sale of digital products.

(5) For purposes of subsections 3.98.077(3)(a) through 3.98.077(3)(e), the following definitions apply:
   (a) "Digital automated services," "digital codes," and "digital goods" have the same meaning as in RCW 82.04.192;
   (b) "Digital products" means digital goods, digital codes, digital automated services,

and the services described in RCW 82.04.050 (2)(g) and (6)(c); and

(c) "Receive" has the same meaning as in RCW 82.32.730.

(6) Gross income derived from activities taxed as services and other activities taxed under 3.98.050(1)(g) shall be apportioned to the city by multiplying apportionable income by a fraction, the numerator of which is the payroll factor plus the service income factor and the denominator of which is two.

(a) The payroll factor is a fraction, the numerator of which is the total amount paid in the city during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period. Compensation is paid in the city if:

(i) The individual is primarily assigned within the city;

(ii) The individual is not primarily assigned to any place of business for the tax period and the employee performs fifty percent or more of their services for the tax period in the city; or

(iii) The individual is not primarily assigned to any place of business for the tax period, the individual does not perform fifty percent or more of their services in any city, and the employee resides in the city.

(b) The service income factor is a fraction, the numerator of which is the total service income of the taxpayer in the city during the tax period, and the denominator of which is the total service income of the taxpayer everywhere during the tax period. Service income is in the city if the customer location is in the city.

(c) Gross income of the business from engaging in an apportionable activity must be excluded from the denominator of the service income factor if, in respect to such activity, at least some of the activity is performed in the city, and the gross income is attributable under subsection (6)(b) of this Section 3.98.077 to a city or unincorporated area of a county within the United States or to a foreign country in which the taxpayer is not taxable. For purposes of this subsection (6)(c), "not taxable" means that the taxpayer is not subject to a business activities tax by that city or county within the United States or by that foreign country, except that a taxpayer is taxable in a city or county within the United States or in a foreign country in which it would be deemed to have a substantial nexus with the city or county within the United States or with the foreign country under the standards in RCW 35.102.050 regardless of whether that city or county within the United States or that foreign country imposes such a tax.

(d) If the allocation and apportionment provisions of this subsection (6) do not fairly represent the extent of the taxpayer's business activity in the city, the taxpayer may petition for or the tax administrators may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(i) Separate accounting;

(ii) The exclusion of any one or more of the factors;

(iii) The inclusion of one or more additional factors that will fairly represent the taxpayer's business activity in the city; or

(iv) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(e) The party petitioning for, or the tax administrator requiring, the use of any method to effectuate an equitable allocation and apportionment of the taxpayer's income pursuant to subsection (d) of this Section 3.98.077(6) must prove by a

preponderance of the evidence:

(i) That the allocation and apportionment provisions of this Section 3.98.077(6) do not fairly represent the extent of the taxpayer's business activity in the city; and

(ii) That the alternative to such provisions is reasonable.

The same burden of proof shall apply whether the taxpayer is petitioning for, or the tax administrator is requiring, the use of an alternative, reasonable method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(f) If the tax administrator requires any method to effectuate an equitable allocation and apportionment of the taxpayer's income, the tax administrator cannot impose any civil or criminal penalty with reference to the tax due that is attributable to the taxpayer's reasonable reliance solely on the allocation and apportionment provisions of this Section 3.98.077(6).

(g) A taxpayer that has received written permission from the tax administrator to use a reasonable method to effectuate an equitable allocation and apportionment of the taxpayer's income shall not have that permission revoked with respect to transactions and activities that have already occurred unless there has been a material change in, or a material misrepresentation of, the facts provided by the taxpayer upon which the tax administrator reasonably relied in approving a reasonable alternative method.

(7) The definitions in this subsection apply throughout this section.

(a) **"Apportionable income"** means the gross income of the business taxable under the service classifications of a city's gross receipts tax, including income received from activities outside the city if the income would be taxable under the service classification if received from activities within the city, less any exemptions or deductions available.

(b) **"Business activities tax"** means a tax measured by the amount of, or economic results of, business activity conducted in a city or county within the United States or within a foreign country. The term includes taxes measured in whole or in part on net income or gross income or receipts. "Business activities tax" does not include a sales tax, use tax, or a similar transaction tax, imposed on the sale or acquisition of goods or services, whether or not denominated a gross receipts tax or a tax imposed on the privilege of doing business.

(c) **"Compensation"** means wages, salaries, commissions, and any other form of remuneration paid to individuals for personal services that are or would be included in the individual's gross income under the federal internal revenue code.

(d) **"Customer"** means a person or entity to whom the taxpayer makes a sale or renders services or from whom the taxpayer otherwise receives gross income of the business.

(e) **"Customer location"** means the following:

(i) For a customer not engaged in business, if the service requires the customer to be physically present, where the service is performed.

(ii) For a customer not engaged in business, if the service does not require the customer to be physically present:

(A) The customer's residence; or

(B) If the customer's residence is not known, the customer's billing/mailing address.

(iii) For a customer engaged in business:
(A) Where the services are ordered from;
(B) At the customer's billing/mailing address if the location from which the services are ordered is not known; or
(C) At the customer's commercial domicile if none of the above are known.

(f) **"Individual"** means any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee of that taxpayer.

(g) **"Primarily assigned"** means the business location of the taxpayer where the individual performs their duties.

(h) **"Service-taxable income"** or "**service income**" means gross income of the business subject to tax under either the service or royalty classification.

(i) **"Tax period"** means the calendar year during which tax liability is accrued. If taxes are reported by a taxpayer on a basis more frequent than once per year, taxpayers shall calculate the factors for the previous calendar year for reporting in the current calendar year and correct the reporting for the previous year when the factors are calculated for that year, but not later than the end of the first quarter of the following year.

(8) Assignment or apportionment of revenue under this section shall be made in accordance with and in full compliance with the provisions of the interstate commerce clause of the United States Constitution where applicable.

**3.98.078 Allocation and apportionment of printing and publishing income when activities take place in more than one jurisdiction.**

Notwithstanding RCW 35.102.130, gross income from the activities of printing, and of publishing newspapers, periodicals, or magazines, shall be allocated to the principal place in this state from which the taxpayer's business is directed or managed. As used in this section, the activities of printing, and of publishing newspaper and periodicals or magazines are those activities to which the exemption in RCW 82.04.759 and the tax rate in RCW 82.04.280(1)(a) apply.

**3.98.090 Exemptions.**

(1) **Public utilities.** This chapter shall not apply to any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of Chapter 3.71 OHMC.

(2) **Investments - dividends from subsidiary corporations.** This chapter shall not apply to amounts derived by persons, other than those engaging in banking, loan, security, or other financial businesses, from investments or the use of money as such, and also amounts derived as dividends by a parent from its subsidiary corporations.

(3) **Insurance business.** This chapter shall not apply to amounts received by any person who is an insurer or their appointed insurance producer upon which a tax based on gross premiums is paid to the state pursuant to RCW 48.14.020, and provided further, that the provisions of this subsection shall not exempt any bonding company from tax with respect to gross income derived from the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor.

(4) **Employees.**
   (a) This chapter shall not apply to any person in respect to the person's employment in the capacity as an employee or servant as distinguished from that of an independent contractor. For the purposes of this subsection, the definition of employee shall include those persons that are defined in the Internal Revenue Code, as hereafter amended.
   (b) A booth renter is an independent contractor for purposes of this chapter.

(5) **Amounts derived from sale of real estate**. This chapter shall not apply to gross proceeds derived from the sale of real estate. This, however, shall not be construed to allow an exemption of amounts received as commissions from the sale of real estate, nor as fees, handling charges, discounts, interest or similar financial charges resulting from, or relating to, real estate transactions. This chapter shall also not apply to amounts received for the rental of real estate if the rental income is derived from a contract to rent for a continuous period of 30 days or longer.

(6) **Mortgage brokers' third-party provider services trust accounts**. This chapter shall not apply to amounts received from trust accounts to mortgage brokers for the payment of third-party costs if the accounts are operated in a manner consistent with RCW 19.146.050 and any rules adopted by the director of financial institutions.

(7) **Amounts derived from manufacturing, selling or distributing motor vehicle fuel.** This chapter shall not apply to the manufacturing, selling, or distributing motor vehicle fuel, as the term "motor vehicle fuel" is defined in RCW 82.38.020 and exempt under RCW 82.38.280, provided that any fuel not subjected to the state fuel excise tax, or any other applicable deduction or exemption, will be taxable under this chapter.

(8) **Amounts derived from liquor, and the sale or distribution of liquor**. This chapter shall not apply to liquor as defined in RCW 66.04.010 and exempt in RCW 66.08.120.

(9) **Casual and isolated sales**. This chapter shall not apply to the gross proceeds derived from casual or isolated sales.

(10) **Accommodation sales.** This chapter shall not apply to sales for resale by persons regularly engaged in the business of making retail sales of the type of property so sold to other persons similarly engaged in the business of selling such property where (1) the amount paid by the buyer does not exceed the amount paid by the seller to the vendor in the acquisition of the article and (2) the sale is made as an accommodation to the buyer to enable the buyer to fill a bona fide existing order of a customer or is made within fourteen days to reimburse in kind a previous accommodation sale by the buyer to the seller.

(11) **Taxes collected as trust funds**. This chapter shall not apply to amounts collected by the taxpayer from third parties to satisfy third party obligations to pay taxes such as the retail sales tax, use tax, and admission tax.

(12) **Nonprofit corporations or nonprofit organizations.** This chapter shall not apply to nonprofit organizations exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code, as amended, except with respect to retail sales of such persons.

(13) **Gambling activities.** This chapter shall not apply to the business activity of any person to which tax liability is specifically imposed under the provisions of Chapter 3.56 OHMC, Gambling Tax.

(14) **Daycare provided by churches.** This chapter shall not apply to amounts derived by a church that is exempt from property tax under RCW 84.36.020 from the provision of care for children for periods of less than 24 consecutive hours.

(15) **United States, Washington State governmental entities.** This chapter shall not apply to gross income received by the United States or any instrumentality thereof and by the state of Washington or any municipal subdivision thereof.

(16) **Sports teams.** This chapter shall not apply to professional, semi-professional, or amateur sports teams or clubs primarily engaged in the participation of live sporting events, such as baseball, basketball, football, hockey, and soccer, except with respect to retail sales of such persons.

**3.98.100 Deductions.**

In computing the license fee or tax, there may be deducted from the measure of tax the following items:

(1) **Receipts from tangible personal property delivered outside the State**. In computing tax, there may be deducted from the measure of tax under retailing or wholesaling amounts derived from the sale of tangible personal property that is delivered by the seller to the buyer or the buyer's representative at a location outside the state of Washington.

(2) **Cash discount taken by purchaser**. In computing tax, there may be deducted from the measure of tax the cash discount amounts actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extracting or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the "value of product" provisions.

(3) **Credit losses of accrual basis taxpayers**. In computing tax, there may be deducted from the measure of tax the amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis.

(4) **Constitutional prohibitions**. In computing tax, there may be deducted from the measure of the tax amounts derived from business which the city is prohibited from taxing under the Constitution of the state of Washington or the Constitution of the United States.

(5) **Receipts from the sale of tangible personal property and retail services delivered outside the city but within Washington**. Amounts included in the gross receipts reported on the tax return derived from the sale of tangible personal property delivered to the buyer or the buyer's representative outside the city but within the state of Washington may be deducted from the measure of tax under the retailing, retail services, or wholesaling classification.

(6) **Professional employer services**. In computing the tax, a professional employer organization may deduct from the calculation of gross income the gross income of the business derived from performing professional employer services that is equal to the portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, workers' compensation, payroll taxes, withholding, or other assessments paid to or on behalf of a covered employee by the professional employer organization under a professional employer agreement.

(7) **Interest on investments or loans secured by mortgages or deeds of trust**. In computing tax, to the extent permitted by Chapter 82.14A RCW, there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial

businesses, amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on non-transient residential properties.

**3.98.120 Tax part of overhead.**
It is not the intention of this chapter that the taxes or fees herein levied upon persons engaging in business be construed as taxes or fees upon the purchasers or customer, but that such taxes or fees shall be levied upon, and collectible from, the person engaging in the business activities herein designated and that such taxes or fees shall constitute a part of the cost of doing business of such persons.

**3.98.130 Severability clause.**
If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.

**Section Two. Petition for referendum.** This ordinance shall be subject to a referendum procedure in accordance with Chapter 3.05 OHMC. Such procedure shall be the exclusive method of referendum for this ordinance and shall supersede the procedures provided under chapters 35.17 and 35A.11 RCW and all other statutory or other provisions for initiative or referendum that might otherwise apply.

**Section Three. Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.

**Section Four. Effective Date.** This ordinance shall take effect and be in force beginning Julyly 1, 20245, which is at least 30 days from and after its passage and publication, as provided by law.

ADOPTED by the City Council this ___ day of _____, 20245.

THE CITY OF OAK HARBOR

By_____
Ronnie Wright, Mayor

Dated: _____

Attest:

_____
Julie Nester, City Clerk

Approved as to Form:

_____
Hillary J. Evans, City Attorney

Published: _____

April 3, 2025

Mayor Ronnie D. Wright
City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277

[Name of business]
[address 1]
[address 2]
[City, State, Zip]

Subject: Oak Harbor Local Business & Occupation Tax

The Oak Harbor City Council is considering the adoption of the Local Business & Occupation (B&O) tax to help fund community driven projects. Discussions regarding projects and funding options have been on-going since the March 27, 2024 City Council Workshop. The City Council and I are concerned about the impact that any new tax could have on the City's business community. The last thing we would want to do is to implement a new tax so drastic that it would have a significant deleterious effect on Oak Harbor's economy. This is why we have instructed staff to design this tax in a way to minimize the impact on businesses while raising sufficient funds for a minimal amount of community projects.

As proposed, the business tax would be implemented at a rate of 0.002 (1/5 of 1%) on gross business receipts (there are numerous exemptions and deductions which can be found on the attached Frequently Asked Questions (FAQ) document). In addition, it would exempt at least the first $2,500,000 of gross receipts. Of the 52 cities that currently have a Local B&O tax, the highest exemption we found was $1,040,000; meaning that Oak Harbor would exempt more than double the gross business receipts from taxation. This proposed design is estimated to be able to raise approximately $800,000 to $1,000,000 per year and impact about one to two-and-a-half percent of all businesses in Oak Harbor.

I understand that nobody likes taxes but after exploring various funding options over the last year, this option provides the feasibility needed and is designed to minimize impacts. Adoption of the local B&O Tax is expected to occur at a publicly noticed City Council meeting in the next few months. Past and future City Council meeting agendas can be found at: https://www.oakharbor.gov/AgendaCenter.

Feel free to reach out to me at mayor@oakharbor.org should you have any questions on this or any topic.

Sincerely,

_____
Ronnie D. Wright, Mayor

## CITY OF OAK HARBOR BUSINESS & OCCUPATION TAX
## FREQUENTY ASKED QUESTIONS

THE OAK HARBOR CITY COUNCIL IS CONSIDERING ADOPTING A LOCAL BUSINESS AND OCCUPATION TAX TO FUND COMMUNITY DRIVEN PRIORITIES. THE FOLLOWING QUESTIONS & ANSWERS ARE BASED ON PRELIMINARY PLANNING AND CITY COUNCIL DISCUSSIONS FOR A PROPOSED OAK HARBOR LOCAL BUSINESS & OCCUPATION TAX AND ARE SUBJECT TO CHANGE DEPENDING ON CITY COUNCIL ACTION.

### WHAT IS THE LOCAL BUSINESS AND OCCUPATION (B&O) TAX?

The Local B&O tax is a proposed tax levied on business activities in Oak Harbor. It functions as a tax on business gross receipts. The Oak Harbor Local B&O tax is not the same as the Washington State B&O tax. It is filed separately and in addition to other applicable federal, state, and local taxes.

### WHEN IS THE LOCAL B&O TAX PROPOSED TO GO INTO EFFECT?

On the first day of the second month following adoption of the tax. For example, if the Local B&O tax were adopted by City Council in May of 2025, the tax would go into effect on July 1, 2025.

### WHEN WILL TAXES BE DUE?

As proposed, the initial Local B&O tax payments will be due January 31, 2026. Thereafter, payments will be due quarterly at the end of the month following the close of the quarter. For example, the first quarter of 2026 closes on March 31, 2026 with taxes due on April 30, 2026; the second quarter of 2026 closes on June 30, 2026 with taxes due on July 31, 2026.

### WHAT WILL THESE TAX PAY FOR AND HOW MUCH WILL THEY RAISE?

Based on preliminary estimates and the rates and criteria outlined below, the proposed Local B&O tax would raise between $800,000 to $1,000,000 per year. Depending on City Council action, Local B&O taxes can be left uncommitted or committed for specific projects or initiatives. For example, the following are a few community driven priorities that have been discussed:

- The construction, repair, replacement, or rejuvenation of City Marina facilities and dredging and for the servicing of any debt issued by the City for said purposes.
- The construction of a new community recreation center and for the servicing of any debt issued by the City for said purpose.

### WHAT OUTREACH AND MEETINGS HAVE THE CITY HAD THAT INCLUDED DISCUSSIONS ON THE LOCAL B&O TAX?

- March 27, 2024 City Council Workshop.
- May 21, 2024 City Council Meeting: Proposed Ordinance presented and not adopted.
- Mentioned during the budget hearings and workshops conducted for the 2025-26 biennial budget and other Council items.

- December 18, 2024 two public workshops held.
- January 21, 2025 City Council Meeting during discussion on potential creation of a Public Port District.
- February 25, 2025 City Council Workshop.
- March 25, 2025 City Council Workshop.

## WHAT TYPES OF BUSINESS ACTIVITY IS THE TAX APPLICABLE TO AND WHAT IS THE TAX RATE?

- Manufacturing - 0.002 (1/5 of 1%)
- Retail - 0.002 (1/5 of 1%)
- Services - 0.002 (1/5 of 1%)
- Wholesaling - 0.002 (1/5 of 1%)
- Others - 0.002 (1/5 of 1%)

## WHAT IS THE TAX EXEMPTION THRESHOLD?

The exact amount of taxable receipts that will be exempt from taxation has not been finalized. One idea is to exempt those who report $625,000 or less in gross receipts per quarter ($2,500,000 or less in taxable receipts per year if reporting annually) from the Local B&O Tax. Another idea is to exempt those who report $1,250,000 or less in gross receipts per quarter ($5,000,000 or less in taxable receipts per year if reporting annually) from the Local B&O Tax.

## HOW MANY BUSINESSES WILL BE AFFECTED?

Depending on the proposed tax exemption thresholds above, it is estimated that between 1% to 2.5% of Oak Harbor's businesses will be responsible for paying this tax.

## WHAT BUSINESS ACTIVITIES ARE EXEMPT FROM THE LOCAL B&O TAX?

- Business activity subject to the City's Utility Tax.
- Money earned from investments, unless the investments are part of a larger banking or finance business. Dividends that a company receives from its subsidiaries are also exempt.
- Insurance agents (brokers are subject to tax).
- Employees are not directly subject to the tax, but independent contractors generally are.
- Sale of real estate, or rental income if the lease is for 30 days or more. However, no exemption is allowed for amounts received as commissions on real estate sales.
- Funds held in trust by a mortgage broker.
- Producing or selling motor vehicle fuel.
- Producing or selling liquor.
- Casual and isolated sales, such as an accountant selling his or her office furniture.
- Accommodation sales, such as an automobile dealer selling a vehicle at cost to another dealer to fill an existing order.
- Taxes collected as trust funds, such as when a business collects sales tax from a customer to be remitted to the state.

- Nonprofit organizations, except for any retail sales they make.
- Activities already subject to the City's gambling tax.
- House of Worship daycare programs.
- Federal, state, and local government agencies.
- Professional/semi-professional/amateur sports teams operating in Oak Harbor, except for any retail sales they make.
- The above is a summary of the Local B&O Tax Exemptions. More details can be found in the proposed Ordinance.

## WHAT DEDUCTIONS ARE THERE FROM THE LOCAL B&O TAX?

- Receipts from sales of tangible personal property delivered to the buyer outside of Washington.
- Receipts from sales of tangible personal property and retail services delivered to the buyer outside of Oak Harbor but within Washington.
- Cash discount taken by purchaser (deduction does not apply to extracting or manufacturing classifications).
- Credit losses (bad debts) of accrual basis taxpayers.
- State or Federal constitutional prohibitions on taxes.
- The amounts collected by professional employer services that represents that actual cost of payroll charged to a client.
- The amounts from businesses engaged in banking, loan, security, or other financial business derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on non-transient residential properties.
- The above is a summary of the Local B&O Tax Deductions. More details can be found in the proposed Ordinance.

## HOW DO I REGISTER FOR OAK HARBOR'S LOCAL B&O TAX?

Local B&O tax registration is completed by obtaining a City of Oak Harbor business license endorsement. The city partners with the Washington State Department of Revenue for its business license application process. For details, go to https://dor.wa.gov/manage-business/city-endorsements/oak-harbor.

Upon being approved for an Oak Harbor business license, we will mail a letter to the business with the tax registration information. You should receive your tax registration letter within 30 days of being approved for a city business license.

For the initial implementation of the Local B&O Tax program, we will mail letters to all businesses with Oak Harbor business licenses.

## HOW DO I FILE LOCAL B&O TAX RETURNS?

Oak Harbor's Local B&O tax return forms are under development and will be available (with instructions) on the City's website prior to the first tax return due date. We aim to have an online form and payment option in place by that time. If filing with paper forms, returns will need to be printed and sent by mail with a check or money order.

### DO I NEED TO FILE IF MY BUSINESS'S GROSS RECEIPTS ARE LESS THAN THE TAX EXEMPTION THRESHOLD?

All business must file an initial return. However, to avoid needing to file periodic returns after the initial return, businesses under the exemption threshold may file a request for active non-reporting status. If approved, the City will keep your application for active non-reporting status on file. Should you find that your business receipts exceed the tax exemption threshold, you must pay your taxes by the due date for the filing period. It will be your responsibility to reconcile your receipts to confirm they are below the exemption threshold each filing period and provide them to the City upon request. Businesses that owe taxes from prior periods will be responsible to pay back-taxes and associated late penalties.

### SUMMERIZED QUESTIONS RECEIVED FROM THE COMMUNITY:

### ONE OF THE PROJECTS PROPOSED TO BE FUNDED BY THIS IS MARINA. WHY CAN'T THE MARINA RATES PAY FOR THIS INSTEAD?

The Marina does a pretty good job of covering its operating costs. But the City finds itself in a situation where we have a very old marina with decades of deferred maintenance and one that was never modernized to meet the needs of today's boating public. The cost of necessary dredging and breakwater replacement and the marina rejuvenation project is in the tens of millions of dollars. Even though rates have been increased substantially over the last two years and are scheduled to increase again later this year, rates alone are not adequate to cover these costs. We have been shown by folks who are familiar with marinas that there comes a point of diminishing returns where rates are raised to such a level that marina users end up relocating to other marinas thus generating less revenues overall.

### WHY CAN'T THE CITY JUST WALK AWAY FROM THE MARINA?

The City retained the services of marina & port specialists Moffatt & Nichol to evaluate the City's Marina. They informed the City that due to the State and/or Federal regulatory and environmental requirements, it would cost the City over $10 million to decommission the Marina. Around the time the City received this information, the City Council deliberated the possibility of closing the Marina and ended up decided against it.

### WHAT IS THE DIFFERENCE BETWEEN A MARINA AND A PORT?

Oak Harbor is only one of two cities in Washington State that operate a city owned marina (the other being Des Moines). Ports, on the other hand, are run by separate taxing districts. The closest port districts to Oak Harbor include Coupeville, Port Townsend, and Anacortes. They are primarily funded by a combination of dedicated property taxes, user fees, and grants. The formation requirements, powers, and taxation abilities for Port Districts can be found in the Revised Code of Washington (RCW) Title 53.

## HOW WILL GENERATING $800,000 to $1,000,000 BE ABLE TO PAY FOR ALL THE COMMUNITY DRIVEN PRIORITIES?

The intention of this tax is to fund a portion of community driven priorities. A bond or a loan can be taken out for the project(s) with the recurring revenue stream from this tax used to pay the debt payments.

## WHY HASN'T THE CITY EXPLORED OTHER OPTIONS RATHER THAN THIS TAX?

The City has evaluated other funding options including increasing other taxes, pursuing grants, and user fees. Due to a combination of State law restrictions, tax levels, and recent increases, the City's other taxes were ruled out. As a City owned Marina, the availability of grants is limited when compared to Port Districts. The City Council approved a three-year schedule to significantly increase Marina user rates in order to ensure adequate revenues for operations and maintenance. Following public sector financial best practices, the City's financial policies encourage the diversification of revenues to guard against negative impacts to any one particular revenue.

# LOCAL BUSINESS & OCCUPATION TAX

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

City Council Meeting
May 20, 2025

# ORDINANCES 1998 & 2000

- Ordinance 1998 adopts the local business and occupation (B&O) tax.
- Ordinance 2000 creates the administrative provisions for the B&O tax.

# DESIGN CHARACTERISTICS

- Gross annual receipts exemption threshold = $5,000,000.
- Rate = 0.002.
- Effective date = July 1, 2025.
- Initial collection date = January 31, 2026; quarterly thereafter.

| | Option 1 | Option 2 | Option 3 | Option 4 |
|---|---|---|---|---|
| Business Tax Threshold (gross annual receipts) | $ 5,000,000 | $ 2,500,000 | $ 1,000,000 | $ 100,000 |
| Number of Business Applicable | 26 | 59 | 147 | 524 |
| Percent of all Oak Harbor Business Applicable | 1% | 2.4% | 6.1% | 22% |
| Retail Rate | 0.002 | 0.002 | 0.002 | 0.002 |
| Services Rate | 0.002 | 0.002 | 0.002 | 0.002 |
| Wholesale Rate | 0.002 | 0.002 | 0.002 | 0.002 |
| Manufacturing Rate | 0.002 | 0.002 | 0.002 | 0.002 |
| Gross Annual Receipts over Minimum | $430,476,138 | $525,682,608 | $660,563,433 | $875,589,140 |
| Estimated Annual Revenue Generated | **$ 825,488** | **$ 999,501** | **$ 1,257,263** | **$ 1,679,929** |
| Maximum | $ 138,871 | $ 143,871 | $ 146,871 | $ 148,671 |
| Minimum | $ 30 | $ 19 | $ 2 | $ 1 |
| Median | $ 7,646 | $ 2,482 | $ 1,544 | $ 504 |
| Retail Revenue | $ 641,844 | $ 749,276 | $ 878,130 | $ 1,067,595 |
| Services Revenue | $ 136,942 | $ 175,249 | $ 277,457 | $ 483,910 |
| Wholesale Revenue | $ 16,701 | $ 39,976 | $ 63,676 | $ 83,894 |
| Manufacturing Revenue | $ 30,000 | $ 35,000 | $ 38,000 | $ 44,530 |

## BUSINESS & OCCUPATION TAX

*Figures are estimates

Median is used as it is less affected by extreme values and provides a better representation of the typical value within a data set. (Source: Statology.org)

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

# TWO MOTIONS

1. Motion to approve the local business & occupation tax (ordinance 1998).
2. Motion to commit funding:
   a) Marina facilities and dredging.
   b) New community recreation center.

# NEXT STEPS

- Business community outreach.
- Create tax forms and worksheets.
- Procure services of an electronic tax collection vendor.
- Create internal processes and train relevant staff.
- Update City's website, in phases

# PUBLIC HEARING

## Hold Public Hearing on Ordinance 1998

# SUGGESTED MOTION #1

Motion to approve Ordinance 1998, Amending Title 3 of the Oak Harbor Municipal Code to add a new Chapter 3.98, pertaining to the adoption of a local business & occupation tax with an effective date of July 1, 2025.

# SUGGESTED MOTION #2

Motion to commit local business & occupation tax revenues imposed by the Oak Harbor City Council in Oak Harbor Municipal Code Section 3.98.050 for the purposes of the construction, repair, replacement, or rejuvenation of City Marina facilities and dredging and for the servicing of any debt issued by the City for said purposes and for the purpose of the construction of a new community recreation center and for the servicing of any debt issued by the City for said purpose.

# PUBLIC HEARING

## Hold Public Hearing on Ordinance 2000

# SUGGESTED MOTION: ORD. 2000

Motion to approve Ordinance 2000, Amending Title 3 of the Oak Harbor Municipal Code to add a new Chapter 3.99, pertaining to administrative provisions for the City's local business & occupation tax with an effective date of July 1, 2025.

# THANK YOU!

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

**CITY OF OAK HARBOR** **Bill No.** 6.b
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Ordinance No. 2000: Creating Oak Harbor Municipal Code Chapter 3.99, pertaining to the administrative provisions for the City's Business and Occupation Tax

**Submitted By:** DAVID GOLDMAN, Deputy City Administrator

**RECOMMENDED ACTION**

Open Public Hearing.

Motion to approve Ordinance No. 2000, Amending Title 3 of the Oak Harbor Municipal Code to add a new Chapter 3.99, pertaining to administrative provisions for the City's local business & occupation tax with an effective date of July 1, 2025.

**BACKGROUND / SUMMARY INFORMATION**

These are the administrative provisions pertaining to the City's Local Business & Occupation (B&O) Tax.

**LEGAL AUTHORITY**

Washington Constitution Article XI, Sec. 12
RCW Sections 35A.82.020 and 35A.11.020

**FISCAL IMPACT**

None directly related to this ordinance.

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

- March 27, 2024 City Council Workshop.
- May 21, 2024 City Council Meeting – Proposed Ordinance presented and not adopted.
- Mentioned during the budget hearings and workshops conducted for the 2025-26 biennial budget and other Council items.
- December 18, 2024 two public workshops held.
- January 21, 2025 City Council Meeting during discussion on potential creation of a Public Port District.
- February 25, 2025 City Council Workshop.
- March 25, 2025 City Council Workshop.

**ATTACHMENTS**

1. ORD adding new Chpt 3.99 admin provisions for B&O tax ONLY V3

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF OAK HARBOR, WASHINGTON, AMENDING TITLE 3 OF THE OAK HARBOR MUNICIPAL CODE TO ADD A NEW CHAPTER 3.99, PERTAINING TO ADMINISTRATIVE PROVISIONS FOR THE CITY'S BUSINESS AND OCCUPATION TAX; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Washington Constitution Article XI, Sec. 12 vests the power to assess and collect taxes for municipal purposes in counties, cities, towns, and other municipal corporations; and

WHEREAS, Section 35A.82.020 of the Revised Code of Washington ("RCW") permits a code city to exercise its authority to impose excises for revenue in regard to all places and kinds of business, production, commerce, entertainment, exhibition, and upon all occupations, trades and professions, and any other lawful activity; and

WHEREAS, RCW 35A.11.020 grants the legislative bodies of code cities within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the State; and

WHEREAS, the City's Comprehensive Financial Management Policy requires a well-diversified and stable revenue system to be maintained to shelter public services from short-run fluctuations in any particular revenue source; and

WHEREAS, the City's Comprehensive Financial Management Policy requires current revenue to be sufficient to support current expenditures; and

WHEREAS, the Municipal Research and Services Center (MRSC) publication, *Revenue Guide for Washington Cities and Towns*, indicates that the four main unrestricted revenue sources provided to cities by the state legislature are property taxes, sales taxes, utility taxes, and business and occupation taxes; and

WHEREAS, the three main unrestricted revenue sources that the City of Oak Harbor has implemented do not meet the aforementioned requirements of the City's Comprehensive Financial Management Policy due to the property tax councilmanic increase limit of 1% per annum, arrested growth and economic uncertainty of sales tax, and utility taxes' dependance on the City owned utility rates, which have not increased to keep up with inflation; and

WHEREAS, the Oak Harbor City Council is desirous of providing for diversification of the City's unrestricted general revenue stream and having sufficient revenue to fund current expenditures; and

WHEREAS, RCW 35.102.040 requires that every city that imposes a business and occupation tax follow the model ordinance as developed by the Association of Washington Cities, which includes certain mandatory provisions related to the administration of the tax that are designed to ensure uniformity among jurisdictions and prevent instances of double taxation;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

**Section One.** Title 3 Amended. Title 3 of the Oak Harbor Municipal Code is hereby amended by adding a new Chapter 3.99, entitled "Administration of Business and Occupation Tax," as follows:

## Chapter 3.29
## ADMINISTRATION OF BUSINESS AND OCCUPATION TAX

Sections:


3.99.010 Purpose.
3.99.015 Application of chapter stated.
3.99.020 Definitions.
3.99.021 Definitions – References to Chapter 82.32 RCW.
3.99.025 License requirements.
3.99.040 When due and payable – Reporting periods – Monthly, quarterly, and annual returns – Threshold provisions or relief from filing requirements – Computing time periods – Failure to file returns.
3.99.050 Payment methods – Filing of returns or remittances – Time extension – Deposits – Recording payments – Payment must accompany return – NSF checks.
3.99.060 Records to be preserved – Examination – Estoppel to question assessment.
3.99.070 Accounting methods.
3.99.080 Public work contracts – Payment of fee and tax before final payment for work.
3.99.090 Underpayment of tax, interest, or penalty – Interest.
3.99.095 Time in which assessment may be made.
3.99.100 Overpayment of tax, penalty, or interest – Credit or refund – Interest rate – Statute of limitations.
3.99.110 Late payment – Disregard of written instructions – Evasion – Penalties.
3.99.120 Cancellation of penalties.
3.99.130 Taxpayer quitting business – Liability of successor.
3.99.140 Administrative appeal.
3.99.150 Judicial review of director's determination.
3.99.160 Director to make rules.
3.99.170 Ancillary allocation authority of director.
3.99.180 Mailing of notices.
3.99.190 Tax declared additional.
3.99.200 Public disclosure – Confidentiality – Information sharing.
3.99.210 Tax constitutes debt.
3.99.220 Unlawful actions – Violation – Penalties.
3.99.230 Suspension or revocation of business license.
3.99.250 Charge-off of uncollectible taxes.


**3.99.010 Purpose.** The purpose of this chapter is to provide administrative guidelines and provisions to implement, administer, and enforce the city's business and occupation tax.

**3.99.015 Application of chapter stated.** The provisions of this chapter shall apply with respect to the taxes imposed under Chapter 3.98 OHMC, Business and Occupation Tax, and any other titles,

chapters, and sections in such manner and to such extent as expressly indicated in each such title, chapter, or section.

**3.99.020 Definitions.** For purposes of this chapter, the definitions contained in Chapter 3.98 OHMC shall apply equally to the provisions of this chapter unless the term is defined otherwise in this chapter. In addition, the following definitions will apply:

(1) **"Director."** "Director" means the finance director of the city of Oak Harbor or the director's designee.

(2) **"Reporting period."** "Reporting period" means:
(a) A one-month period beginning the first day of each calendar month (monthly); or
(b) A three-month period beginning the first day of January, April, July, or October of each year (quarterly); or
(c) A 12-month period beginning the first day of January of each year (annual).

(3) **"Return."** "Return" means any document a person is required by the city to file to satisfy or establish a tax or fee obligation that is administered or collected by the city and that has a statutorily defined due date.

(4) **"Successor."** "Successor" means any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of the taxpayer's business, any part of the materials, supplies, merchandise, inventory, fixtures, or equipment of the taxpayer. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

(5) **"Tax year," "taxable year."** "Tax year" or "taxable year" means the calendar year.

**3.99.021 Definitions – References to Chapter 82.32 RCW.**
Where provisions of Chapter 82.32 RCW are incorporated in OHMC 3.98.090, "department" as used in the RCW shall refer to the "director" as defined in OHMC 3.99.020 and "warrant" as used in the RCW shall mean "citation or criminal complaint."

**3.99.025 License requirements.** No person shall engage in any business or conduct any business activity without first obtaining a valid current business license as required by Chapter 5.01 OHMC, whether or not the person is subject to the tax imposed by Chapter 3.98 OHMC.

**3.99.040 When due and payable – Reporting periods – Monthly, quarterly, and annual returns – Threshold provisions or relief from filing requirements – Computing time periods – Failure to file returns.**

(1) (a) The tax imposed by Chapter 3.98 OHMC shall be due and payable in quarterly installments. At the director's discretion, businesses may be assigned to a monthly or annual reporting period depending on the tax amount owing or type of tax. Except as provided in subsection (b), tax payments are due on or before the time as provided in RCW 82.32.045(1), (2), and (3).
(b) For the quarterly periods ending on June 30, 2025 and September 30, 2025~~4~~, the tax imposed by Chapter 3.98 OHMC shall be due and payable, along with the return required by OHMC 3.99.040(2), by January 31, 2026~~5~~.

(2) Taxes shall be paid as provided in this chapter and accompanied by a return on forms as prescribed by the director, which return shall be filed as provided in OHMC 3.99.050(2). The return shall be signed by the taxpayer personally or by a responsible officer or agent of the taxpayer. The individual signing the return shall swear or affirm that the information in the return is complete and true.
(3) Tax returns must be filed and returned by the due date whether or not any tax is owed.
(4) For purposes of the tax imposed by Chapter 3.98 OHMC, any person whose value of products, gross proceeds of sales, or gross income of the business, subject to tax after all allowable deductions, is equal to or less than $1,250,000 in the current quarter, shall file a return, declare no tax due on their return, and submit the return to the director. The gross receipts and deduction amounts shall be entered on the tax return even though no tax may be due.
(5) A taxpayer that commences to engage in business activity shall file a return and pay the tax or fee for the portion of the reporting period during which the taxpayer is engaged in business activity.
(6) Except as otherwise specifically provided by any other provision of this chapter, in computing any period of days prescribed by this chapter the day of the act or event from which the designated period of time runs shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or city or federal legal holiday, in which case the last day of such period shall be the next succeeding day which is neither a Saturday, Sunday, nor city or federal legal holiday.
(7) If any taxpayer fails, neglects, or refuses to make a return as and when required in this chapter, the director is authorized to determine the amount of the tax or fees payable by obtaining facts and information upon which to base the director's estimate of the tax or fees due. Such assessment shall be deemed prima facie correct and shall be the amount of tax owed to the city by the taxpayer. The director shall notify the taxpayer by mail of the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

**3.99.050 Payment methods – Filing of returns or remittances – Time extension – Deposits – Recording payments – Payment must accompany return – NSF checks.**

(1) Taxes shall be paid to the director in United States currency. Payment of the tax may be made by electronic funds transfer, as defined in RCW 82.32.085, or by another form of electronic payment, such as payment by credit card, as may be authorized by the director, or by bank draft, certified check, cashier's check, personal check, money order, cash, or by wire transfer. If the payment is not paid by the bank on which it is drawn, the taxpayer, by whom such payment is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such payment had not been tendered. Acceptance of any sum by the director shall not discharge the tax or fee due unless the amount paid is the full amount due.
(2) Returns may be filed electronically using the city's online tax filing service or such other method of electronic reporting as the director may authorize. A return or remittance which is transmitted to the city electronically shall be deemed filed or received according to procedures set forth by the director. A return that is transmitted to the city by United States mail shall be

deemed filed or received on the date shown by the cancellation mark stamped by the Post Office upon the envelope containing it.

(3) If a written request is received prior to the due date, the director, for good cause, may grant, in writing, additional time within which to make and file returns.

(4) The director shall keep full and accurate records of all funds received or refunded. The director shall apply payments first against all penalties and interest owing, and then upon the tax, without regard to any direction of the taxpayer.

(5) For any return not accompanied by a remittance of the tax shown to be due thereon, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the penalties and interest provided in this chapter.

(6) Any payment made that is returned for lack of sufficient funds or for any other reason will not be considered received until payment by certified check, money order, or cash of the original amount due, plus a "nonsufficient funds" (NSF) charge, in an amount set per the master fee schedule adopted by resolution of the city council, has been received by the director. Any license issued upon payment with a NSF check will be considered void, and shall be returned to the director. No license shall be reissued until the payment, including the NSF charge, is received.

(7) Tax return forms shall be made available electronically by the finance department. The director is not required to mail tax return forms to taxpayers. Failure of the taxpayer to obtain any such forms shall not excuse the taxpayer from filing returns and making payment of the taxes or fees, when and as due under this chapter.

**3.99.060 Records to be preserved – Examination – Estoppel to question assessment.**

Every person liable for any fee or tax imposed by Chapter 3.98 OHMC shall keep and preserve, for a period of five years after filing a tax return, such records as may be necessary to determine the amount of any fee or tax for which the person may be liable, which records shall include copies of all federal income tax and state tax returns and reports made by the person. All books, records, papers, invoices, vendor lists, inventories, stocks of merchandise, and other data including federal income tax and state tax returns and reports shall be open for examination at any time by the director or the director's duly authorized agent. Every person's business premises shall be open for inspection or examination by the director or a duly authorized agent.

(1) If a person does not keep the necessary books and records within the city, it shall be sufficient if such person (a) produces within the city such books and records as may be required by the director, or (b) bears the cost of examination by the director's agent at the place where such books and records are kept; provided, that the person electing to bear such cost shall pay in advance to the director the estimated amount thereof including round-trip fare, lodging, meals, and incidental expenses, subject to adjustment upon completion of the examination.

(2) Any person who fails to provide or make available any business records, or who refuses a department request to review such records or to inspect or examine the business premises, shall be forever barred from questioning in any court action the correctness of any assessment of taxes made by the city for any period for which such records have not been provided, made available, or kept and preserved, or in respect of which inspection or examination of the business premises has been denied. The director is authorized to determine the amount of the

tax or fees payable by obtaining facts and information upon which to base the estimate of the tax or fees due. Such fee or tax assessment shall be deemed prima facie correct and shall be the amount of tax owing the city by the taxpayer. The director shall notify the taxpayer by mail the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

**3.99.070 Accounting methods.**

(1) A taxpayer may file tax returns in each reporting period with amounts based upon cash receipts only if the taxpayer's books of account are kept on a cash receipts basis. A taxpayer that does not regularly keep books of account on a cash receipts basis must file returns with amounts based on the accrual method.
(2) The taxes imposed and the returns required hereunder shall be upon a calendar year basis.

**3.99.080 Public work contracts – Payment of fee and tax before final payment for work.**

The director may, before issuing any final payment to any person performing any public work contract for the city, require such person to pay in full all license fees or taxes due under this title from such person on account of such contract or otherwise, and may require such taxpayer to file with the director a verified list of all subcontractors supplying labor and/or materials to the person in connection with said public work.

**3.99.090 Underpayment of tax, interest, or penalty – Interest.**

(1) If, upon examination of any returns, or from other information obtained by the director, it appears that a tax or penalty less than that properly due has been paid, the director shall assess the additional amount found to be due and shall add thereto interest on the tax only. The director shall notify the person by mail of the additional amount, which shall become due and shall be paid within 30 days from the date of the notice, or within such time as the director may provide in writing.
(2) (a) The director shall compute interest in accordance with RCW 82.32.050 as it now exists or as it may be amended.
(b) If subsection (2)(a) of this Section 3.99.090 is held to be invalid, then the provisions of RCW 82.32.050 existing at the effective date of this ordinance shall apply.

**3.99.095 Time in which assessment may be made.**

The director shall not assess, or correct an assessment for, additional taxes, penalties, or interest due more than four years after the close of the calendar year in which they were incurred, except that the director may issue an assessment:

(1) Against a person who is not currently registered or licensed or has not filed a tax return as required by this chapter for taxes due within the period commencing 10 years prior to the close of the calendar year in which the person was contacted in writing by the director;
(2) Against a person that has committed fraud or who misrepresented a material fact; or
(3) Against a person that has executed a written waiver of such limitations.

**3.99.100 Overpayment of tax, penalty, or interest – Credit or refund – Interest rate – Statute of limitations.**

(1) If, upon receipt of an application for a refund, or during an audit or examination of the taxpayer's records and tax returns, the director determines that the amount of tax, penalty, or interest paid is in excess of that properly due, the excess amount shall be credited to the taxpayer's account or shall be refunded to the taxpayer. Except as provided in subsection (2) of this section, no refund or credit shall be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(2) The execution of a written waiver shall extend the time for applying for or making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an application for refund of such taxes is made by the taxpayer or the director discovers that a refund or credit is due.

(3) Refunds shall be made by means of vouchers approved by the director and by the issuance of a city check or warrants drawn upon and payable from such funds as the city may provide.

(4) Any final judgment for which a recovery is granted by any court of competent jurisdiction for tax, penalties, interest, or costs paid by any person shall be paid in the same manner, as provided in subsection (3) of this section, upon the filing with the director a certified copy of the order or judgment of the court.

(5) (a) The director shall compute interest on refunds or credits of amounts paid or other recovery allowed a taxpayer in accordance with RCW 82.32.060 as it now exists or as it may be amended.

(b) If subsection (2)(a) of this Section 3.99.100 is held to be invalid, then the provisions of RCW 82.32.060 existing at the effective date of this ordinance shall apply.

**3.99.110 Late payment – Disregard of written instructions – Evasion – Penalties.**

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the director by the due date, the director shall add a penalty in accordance with RCW 82.32.090(1), as it now exists or as it may be amended.

(2) If the director determines that any tax has been substantially underpaid as defined in RCW 82.32.090(2), there shall be added a penalty in accordance with RCW 82.32.090(2), as it now exists or as it may be amended.

(3) If a citation or criminal complaint is issued by the director for the collection of taxes, fees, assessments, interest, or penalties, there shall be added thereto a penalty in accordance with RCW 82.32.090(3), as it now exists or as it may be amended.

(4) If the director finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not a city business license as required by OHMC 3.99.025 and Chapter 5.01 OHMC, the director shall impose a penalty in accordance with RCW 82.32.090(4), as it now exists or as it may be amended. No penalty shall be imposed under this subsection (4) if the person who has engaged in business without a business license obtains a business license prior to being notified by the director of the need to be licensed.

(5) If the director determines that all or any part of a deficiency resulted from the taxpayer's failure to follow specific written tax reporting instructions, there shall be assessed a penalty in accordance with RCW 82.32.090(5), as it now exists or as it may be amended.
(6) If the director finds that all or any part of the deficiency resulted from an intent to evade the tax payable, the director shall assess a penalty in accordance with RCW 82.32.090(7), as it now exists or as it may be amended.
(7) The penalties imposed under subsections (1) through (5) of this section can each be imposed on the same tax found to be due. This subsection does not prohibit or restrict the application of other penalties authorized by law.
(8) The director shall not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.
(9) For the purposes of this section, "return" means any document a person is required by the city to file to satisfy or establish a tax or fee obligation that is administered or collected by the city, and that has a statutorily defined due date.
(10) If incorporation of future changes to RCW 82.32.090 into the Oak Harbor Municipal Code is deemed invalid, then the provisions of RCW 82.32.090 existing at the effective date of this ordinance shall apply.

**3.99.120 Cancellation of penalties.**

(1) The director may cancel any penalties imposed under OHMC 3.99.110(1) if the taxpayer shows that its failure to timely file or pay the tax was due to reasonable cause and not willful neglect. Willful neglect is presumed unless the taxpayer shows that it exercised ordinary business care and prudence in making arrangements to file the return and pay the tax but was, nevertheless, due to circumstances beyond the taxpayer's control, unable to file or pay by the due date. The director has no authority to cancel any other penalties or to cancel penalties for any other reason except as provided in subsection (3) of this Section 3.99.120.
(2) A request for cancellation of penalties must be received by the director within 30 days after the date the department mails the notice that the penalties are due. The request must be in writing and contain competent proof of all pertinent facts supporting a reasonable cause determination. In all cases the burden of proving the facts rests upon the taxpayer.
(3) The director may cancel the penalties in OHMC 3.99.110(1) one time if a person:
(a) Is not currently licensed and filing returns;
(b) Was unaware of its responsibility to file and pay tax; and
(c) Obtained a city business license and filed past due tax returns within 30 days after being notified by the director.
(4) The director shall not cancel any interest charged upon amounts due.

**3.99.130 Taxpayer quitting business – Liability of successor.**

(1) Whenever any taxpayer quits business, sells out, exchanges, or otherwise disposes of their business or their stock of goods, any tax payable hereunder shall become immediately due and payable. Such taxpayer shall, within 10 days thereafter, make a return and pay the tax due.
(2) Any person who becomes a successor shall become liable for the full amount of any tax owing. The successor shall withhold from the purchase price a sum sufficient to pay any tax due to the city from the taxpayer until such time as: (a) the taxpayer shall produce a receipt from the

city showing payment in full of any tax due or a certificate that no tax is due, or (b) more than six months have passed since the successor notified the director of the acquisition and the director has not issued and notified the successor of an assessment.

(3) Payment of the tax by the successor shall, to the extent thereof, be deemed a payment upon the purchase price. If such payment is greater in amount than the purchase price, the amount of the difference shall become a debt due such successor from the taxpayer.

(4) Notwithstanding the above, if a successor gives written notice to the director of the acquisition, and the director does not issue an assessment against the taxpayer and mail a copy of that assessment to the successor within six months of the date the director actually receives the written notice from the successor, then the successor shall not be liable for the tax.

**3.99.140 Administrative appeal.**

Any person, except one who is estopped pursuant to OHMC 3.99.060(2), aggrieved by the amount of any fee, tax, interest, or penalty determined by the director to be due under the provisions of this chapter, or of Chapter 3.98 OHMC, Business and Occupation Tax, may, upon full payment of the amount assessed, appeal such determination pursuant to the following procedures:

(1) Form of Appeal. Any appeal must be in writing and must contain the following:
   (a) The name and address of the taxpayer;
   (b) A statement identifying the determination of the director from which the appeal is taken;
   (c) A statement setting forth the grounds upon which the appeal is taken and identifying specific errors the director is alleged to have made in making the determination; and
   (d) A statement identifying the requested relief from the determination being appealed.

(2) Time and Place to Appeal. The appeal shall be filed with the office of the city clerk with a copy to the director no later than 21 days following the date on which the determination of the director was mailed to the taxpayer. A filing fee, in the amount as established by the master fee schedule adopted by resolution of the city council for hearings by the hearing examiner, shall be submitted with the appeal, which filing fee is required to process the appeal. If no appeal is filed within the time period provided herein, the assessment covered by such notice shall become final and immediately due and payable. No refund request may be made for the audit period covered in that assessment. Failure to follow the appeal procedures in this section shall preclude the taxpayer's right to appeal.

(3) Appeal Hearing. The city's hearing examiner shall, as soon as practical, fix a time and place for the hearing of such appeal, and shall cause a notice of the time and place thereof to be delivered or mailed to the parties. The hearing shall be conducted in accordance with the provisions of Chapter 1.24 OHMC and procedures developed by the hearing examiner, at which time the appellant taxpayer and the director shall have the opportunity to be heard and to introduce evidence relevant to the subject of the appeal.

(4) Burden of Proof. The appellant taxpayer shall have the burden of proving by a preponderance of the evidence that the determination of the director is erroneous.

(5) Hearing Record. The hearing examiner shall make an electronic sound recording of each appeal unless the hearing is conducted solely in writing. The hearing examiner may, by subpoena, require the attendance of any person at the hearing, and may also require them to produce pertinent books and records. Any person served with such a subpoena shall appear at

the time and place therein stated and produce the books and records required, if any, and shall testify truthfully under oath administered by the hearing examiner as to any matter required of them pertinent to the appeal; and it shall be unlawful for such person to fail or refuse to do so. The city attorney shall seek enforcement of a hearing examiner subpoena in an appropriate court.

(6) Decision of the Hearing Examiner. Following the hearing, the hearing examiner shall enter a decision on the appeal, supported by written findings and conclusions in support thereof. A copy of the findings, conclusions, and decision shall be mailed to the appellant taxpayer and to the director. The decision shall state the correct amount of the fee, tax, interest, or penalty owing.

(7) Interest Accrual or Payment. Interest and/or penalties shall continue to accrue on all unpaid amounts, in accordance with OHMC 3.99.090 and OHMC 3.99.110, notwithstanding the fact that an appeal has been filed. If the hearing examiner determines that the taxpayer is owed a refund, such refund amount shall be paid to the taxpayer in accordance with OHMC 3.99.100.

**3.99.150 Judicial review of administrative appeal decision.**

The taxpayer or the city may obtain judicial review of the hearing examiner's administrative decision by applying for a writ of review in the Island County superior court, in accordance with the procedure set forth in Chapter 7.16 RCW, other applicable law, and court rules, within 21 calendar days following the date that the decision of the hearing examiner was transmitted electronically or sent by first class mail to the parties. The city shall have the same right of review from the administrative decision as does a taxpayer.

**3.99.160 Director to make rules.**

The director shall have the power, from time to time, to adopt, publish, and enforce rules and regulations not inconsistent with this chapter or with other applicable law for the purpose of carrying out the provisions of this chapter, and it shall be unlawful to violate, or fail to comply with, any such rule or regulation.

**3.99.170 Ancillary allocation authority of director.**

The director is authorized to enter into agreements with other Washington cities which impose an "eligible gross receipts tax":

(1) To conduct an audit or joint audit of a taxpayer by using an auditor employed by the city of Oak Harbor, another city, or a contract auditor; provided, that such contract auditor's pay is not in any way based upon the amount of tax assessed;

(2) To allocate or apportion in a manner that fairly reflects the gross receipts earned from activities conducted within the respective cities the gross proceeds of sales, gross receipts, or gross income of the business, or taxes due from any person that is required to pay an eligible gross receipts tax to more than one Washington city; or

(3) To apply the city's tax prospectively where a taxpayer has no office or place of business within the city and has paid tax on all gross income to another Washington city where the taxpayer is located; provided, that the other city maintains an eligible gross receipts tax, and the income was not derived from contracts with the city.

**3.99.180 Mailing of notices.**

Any notice required by this chapter to be mailed to any taxpayer or licensee shall be sent by ordinary mail, addressed to the address of the taxpayer or licensee as shown by the records of the director. Failure of the taxpayer or licensee to receive any such mailed notice shall not release the taxpayer or licensee from any tax, fee, interest, or any penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter. It is the responsibility of the taxpayer to inform the director in writing about a change in the taxpayer's address.

**3.99.190 Tax declared additional.**

The tax and any applicable fee herein levied shall be additional to any license fee or tax imposed or levied under any law or any other ordinance of the city of Oak Harbor except as herein otherwise expressly provided.

**3.99.200 Public disclosure – Confidentiality – Information sharing.**

(1) For purposes of this section, defined terms shall be as set forth in OHMC 3.99.020:
   (a) "Disclose" means to make known to any person in any manner whatever a return or tax information.
   (b) "Tax information" means:
      (i) A taxpayer's identity;
      (ii) The nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemption, credits, assets, liability, net worth, tax liability deficiencies, over-assessments, or tax payments, whether taken from the taxpayer's books and records or any other source;
      (iii) Whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing; or
      (iv) Other data received by, recorded by, prepared by, or provided to the city with respect to the determination or the existence, or possible existence, of liability, or the amount thereof, of a person under Chapter 3.98 OHMC for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense. However, data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Nothing in this chapter requires any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure.
   (c) "City agency" means every city office, department, division, bureau, board, commission, or other city agency.
   (d) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.
(2) Returns and tax information are confidential and privileged, and except as authorized by this section, neither the director nor any other person may disclose any return or tax information.
(3) This section does not prohibit the director from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under Chapter 3.98 OHMC if the taxpayer or its officer or other person liable under this title is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director prescribes by rules adopted pursuant to OHMC 3.99.160, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person. However, tax information not received from the taxpayer must not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(d) Disclosing such return or tax information, for official purposes only, to the mayor or city attorney, or to any city agency, or to any member of the city council or their authorized designees dealing with matters of taxation, revenue, trade, commerce, the control of industry, or the professions;

(e) Permitting the city's records to be audited and examined by the proper state officer, their agents, and employees;

(f) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives the return or tax information may disclose that return or tax information only for use in the investigation and a related court proceeding, or in the court proceeding for which the return or tax information originally was sought or where otherwise allowed to be disclosed under this section;

(g) Disclosing any such return or tax information to the proper officer of the Internal Revenue Service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of the city;

(h) Disclosing any such return or tax information to the United States Department of Justice, including the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Department of

Defense, the Immigration and Customs Enforcement and the Customs and Border Protection Agencies of the United States Department of Homeland Security, the United States Coast Guard, the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of Treasury, and the United States Department of Transportation, or any authorized representative of these federal agencies or their successors, for official purposes;

(i) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410;

(j) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers and the active/closed status of such registrations, state or local business license registration identification and the active/closed status and effective dates of such licenses, reseller permit numbers and the expiration date and status of such permits, North American Industry Classification System or Standard Industrial Classification code of a taxpayer, and the dates of opening and closing of business. Except that this subsection may not be construed as giving authority to the city or any recipient to give, sell, or provide access to any list of taxpayers for any commercial purpose;

(k) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of Chapter 42.56 RCW or that is a document maintained by a court of record and is not otherwise prohibited from disclosure;

(l) Disclosing such return or tax information to the United States Department of Agriculture, or successor department or agency, for the limited purpose of investigating food stamp fraud by retailers;

(m) Disclosing to a financial institution, escrow company, or title company, in connection with specific real property that is the subject of a real estate transaction, current amounts due the city for a filed tax warrant, judgment, or lien against the real property;

(n) Disclosing to a person, against whom the director has asserted liability as a successor under OHMC 3.99.130, return or tax information pertaining to the specific business of the taxpayer to which the person has succeeded;

(o) Disclosing real estate excise tax affidavit forms filed under Chapter 3.62 OHMC in the possession of the city, including real estate excise tax affidavit forms for transactions exempt or otherwise not subject to tax;

(p) Disclosing such return or tax information to the court or hearing examiner in respect to the city's application for a subpoena if there is probable cause to believe that the records in possession of a third party will aid the director in connection with its official duties under this title or a civil or criminal investigation.

(4) (a) The director may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure must be in connection with the director's official duties under OHMC Title 3, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The director may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates,

or checks. However, the director may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the director must, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence must clearly identify the data, materials, or documents to be disclosed. The director may not disclose any tax return or tax information under this subsection (4) until the time period allowed in subsection (4)(c) of this Section 3.99.200 has expired or until the court has ruled on any challenge brought under subsection (4)(c) of this Section 3.99.200.

(c) The person in possession of the data, materials, or documents to be disclosed by the director has 20 days from the receipt of the written correspondence required under subsection (4)(b) of this Section 3.99.200 to petition the superior court of the county in which the petitioner resides for injunctive relief. The court must limit or deny the request of the director if the court determines that:

(i) The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the director, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The director must reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under subsection (4)(b) of this Section 3.99.200 that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Service of a subpoena issued by the court or by the hearing examiner pursuant to OHMC 3.99.140(5) does not constitute a disclosure of return or tax information under this section. Notwithstanding anything else to the contrary in this section, a person served with a subpoena issued by the court or by the hearing examiner may disclose the existence or content of the subpoena to that person's legal counsel.

(6) Any person acquiring knowledge of any return or tax information in the course of their employment with the city and any person acquiring knowledge of any return or tax information as provided under subsections (3)(d), (e), (f), (g), (h), (i), or (k) of this Section 3.99.200, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the city, such person must

forfeit such office or employment and is incapable of holding any public office or employment in this city for a period of two years thereafter.

**3.99.210 Tax constitutes debt.**

Any applicable fee or tax due and unpaid under this chapter, and all interest and penalties thereon, shall constitute a debt to the city of Oak Harbor and may be collected in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

**3.99.220 Unlawful actions – Violation – Penalties.**

(1) It shall be unlawful for any person liable for taxes or fees this chapter:
   (a) To violate or fail to comply with any of the provisions of this chapter or any lawful rule or regulation adopted by the director;
   (b) To make any false statement on any license application or tax return;
   (c) To aid or abet any person in any attempt to evade payment of a license, or fee, or tax;
   (d) To fail to appear or testify in response to a subpoena issued pursuant to OHMC 3.99.140(5);
   (e) To testify falsely in any investigation, audit, or proceeding conducted pursuant to this chapter.
(2) Violation of any of the provisions of this chapter is a gross misdemeanor. Any person convicted of a violation of this chapter may be punished by a fine not to exceed $1,000, imprisonment not to exceed one year, or both fine and imprisonment. Penalties or punishments provided in this chapter shall be in addition to all other penalties provided by law.
(3) Any person, or officer of a corporation, convicted of continuing to engage in business after the revocation of a business license shall be guilty of a gross misdemeanor and may be punished by a fine not to exceed $5,000, or imprisonment not to exceed one year, or both fine and imprisonment.

**3.99.230 Suspension or revocation of business license.**

(1) The director, or the director's designee, shall have the power and authority to suspend or revoke any business license issued under OHMC Title 5 for the reasons described herein. The director, or their designee, shall notify such licensee in writing by certified mail of the suspension or revocation of their business license and the grounds therefor. Any business license issued under OHMC Title 5 may be suspended or revoked based on one or more of the following grounds:
   (a) The license was procured by fraud or false representation of fact.
   (b) The licensee has failed to comply with any provisions of Chapter 3.98 OHMC or this chapter.
   (c) The licensee has failed to comply with any other provisions of the Oak Harbor Municipal Code.
   (d) The licensee is in default of any payment of any license fee or tax under Chapter 3.98 OHMC or this chapter.
   (e) The licensee, or an employee thereof, has been convicted of a crime involving the business.
(2) Any licensee may, within 30 days from the date that the suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal ("petition") setting forth the grounds therefor with the director. A copy of the petition must be provided by the licensee to the director and the city attorney on or before the date the

petition is filed with the city clerk. The hearing shall be conducted in accordance with the procedures for hearing contested cases set out in Chapter 1.24 OHMC. The hearing examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the hearing examiner shall, after appropriate findings of fact, and conclusions of law, affirm, modify, or overrule the suspension or revocation and reinstate the business license, and may impose any terms upon the continuance of the business license.

(3) No suspension or revocation of a business license that is made pursuant to the provisions of subsection (1) of this Section 3.99.230 shall take effect until 30 days after the mailing of the notice thereof by the director, and if appeal is taken as herein prescribed, the suspension or revocation shall be stayed pending final action on the appeal. All business licenses that are suspended or revoked shall be surrendered to the city on the effective date of such suspension or revocation.

(4) The decision of the hearing examiner shall be final. The director or the licensee may seek review of the decision by the superior court of Washington in and for Island County. If review is sought as herein prescribed, the suspension or revocation shall be stayed pending final action by the superior court.

(5) Nothing in this section is intended to limit the authority of the director to suspend or revoke a business license pursuant to any other provision of city code, including, but not limited to, OHMC 5.01.170.

**3.99.250 Charge-off of uncollectible taxes.**

The director may charge off any tax, penalty, or interest that is owed by a taxpayer, if the director reasonably ascertains that the cost of collecting such amounts would be greater than the total amount that is owed or likely to be collected from the taxpayer.

**Section Two. Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its full force and effect.

**Section Three. Effective Date.** This ordinance shall take effect and be in force beginning Julyly 1, 20245, which is at least 30 days from and after its passage and publication, as provided by law.

ADOPTED by the City Council this ___ day of _____, 20245.

THE CITY OF OAK HARBOR

By_____

Ronnie Wright, Mayor

Dated: _____

Attest:

_____

Julie Nester, City Clerk

Approved as to Form:

_____

Hillary J. Evans, City Attorney

Published: _____

**CITY OF OAK HARBOR** **Bill No.** 6.c
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Resolution 25-16 Declaring Certain City Property of the Water, Solid Waste, Storm Drain, and/or Sewer Utility to be Surplus Property
**Submitted By:** Sandra Place, Administration Manager

**RECOMMENDED ACTION**
Hold a Public Hearing
A motion to adopt Resolution 25-16: Declaring Certain City Property of the Water, Solid Waste, Storm Drain, and/or Sewer Utility to be Surplus Property and authorizing the removal of these assets from the Capital List.

**BACKGROUND / SUMMARY INFORMATION**
The goal of the City of Oak Harbor's capital asset inventory system is to provide control and accountability over capital assets and to assist departments in gathering and maintaining information needed for the preparation of financial statements. These policies and procedures are the minimum requirements for capital assets that departments must meet. A department may maintain its capital asset inventory system in greater detail or use additional supporting documentation if it meets the required minimum standards.

Per the City's Capital Asset Policy, the City of Oak Harbor City Council requires all departments to use the capital asset inventory system to protect and report on the City's assets. The Finance Department is responsible for maintaining and updating the policy.

The Office of the State Auditor (SAO) requires a reporting and accounting system for local governments (RCW 43.09.200). The Finance Director is designated as the "ex officio" deputy of the SAO for accounting and reporting in the City, including capital assets. Furthermore, in RCW 43.09.240, every department has a responsibility to keep its records in a standard, prescribed format (as monitored by the Finance Department and the SAO).

RCW 36.32.210 requires the City to file an annual inventory of all capitalized assets with the Finance Director. The Finance office keeps the information and reports it in accordance with generally accepted accounting principles and the SAO.

Therefore, a capital asset inventory was conducted, and a list of surplus items has been prepared for City Council consideration.

**LEGAL AUTHORITY**
Per RCW 35.94.040, a public hearing must adopt Resolution 25-16 regarding surplus city property acquired by utility funds. Staff proposes removing these items from the capital asset list and disposing of them properly.

**FISCAL IMPACT**
N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

N/A

**ATTACHMENTS**

1. Resolution 25-16 Surplus utility property
2. City Council List -Utility
3. Surplus Lists-Utility

RESOLUTION NO. 25-16

A RESOLUTION OF THE CITY OF OAK HARBOR, WASHINGTON DECLARING CERTAIN CITY PROPERTY OF THE WATER, SOLID WASTE, STORM DRAIN AND/OR SEWER UTILITY TO BE SURPLUS PROPERTY

WHEREAS, the City has determined it has no further use of certain items of personal property; and

WHEREAS, the City Council has determined that these items are surplus property and no longer needed for public use; and

WHEREAS, the fair market value, if any, will be determined for the surplus property and its disposal will be for the common benefit; and

WHEREAS, at the time of sale of surplus items, monies received, if any, will be allocated back to the appropriate utility fund; and

WHEREAS, the City Council held a duly noticed public hearing on May 20. 2025 regarding the surplus of the personal property, in accordance with RCW 35.94.040;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

**Section One**. Based upon the findings and the recommendations of the City, the items of property belonging to said City, as shown in Exhibit A attached hereto, are declared to be surplus.

**Section Two**. It is for the common benefit of the residents of the City to dispose of said property.

**Section Three**. The Mayor or his designee is authorized to dispose of items listed in Exhibit A, attached hereto, in accordance with state law for the best attainable value.

PASSED and approved by the City Council this 20th day of May 2025.

THE CITY OF OAK HARBOR

_____
Ronnie D. Wright, Mayor

Attest:

_____
Julie Nester, City Clerk

Approved as to Form:

_____
Hillary J. Evans, City Attorney

# EXHIBIT A

| Description | Mfg Serial No | Custodian | GL Asset Acct Name | Notes: |
|---|---|---|---|---|
| MAPPING TOOL | ER0058944/11 | ENGINEERING | MACHINERY & EQUIPMENT | TRADED IN |
| 1200 LB ROTARY LIIFT | | EQUIPMENT RENTAL | MACHINERY & EQUIPMENT | REPLACED |
| SCREENING WASHER/COMPACTOR | 72514-12 | SEWER | MACHINERY & EQUIPMENT | REPLACED |
| PREMEIR TRAILER E-43 | | SEWER | MACHINERY & EQUIPMENT | REPLACED |
| PLOTTER-DEVEL SVCS | | SHOP FACILITY | MACHINERY & EQUIPMENT | TRADED IN |
| ROLL CARTS | | SOLID WASTE | MACHINERY & EQUIPMENT | REPLACED |
| DUMPSTERS | | SOLID WASTE | MACHINERY & EQUIPMENT | REPLACED |
| 2007 DUMPSTERS | | SOLID WASTE | MACHINERY & EQUIPMENT | REPLACED |
| 2008 DUMPSTERS | | SOLID WASTE | MACHINERY & EQUIPMENT | REPLACED |
| 2008 ROLLCARTS | | SOLID WASTE | MACHINERY & EQUIPMENT | REPLACED |
| FRINK SNOW PLOW E-41 | 3911 | STREETS | MACHINERY & EQUIPMENT | REPLACED |
| MONROE SNOW PLOW E-42 | 406635 | STREETS | MACHINERY & EQUIPMENT | REPLACED |
| NETWORK/PHONE UPGRADES | | TECHNOLOGY | MACHINERY & EQUIPMENT | REPLACED |
| SERVER (CITY-SRV) | USE913N4CL | TECHNOLOGY | MACHINERY & EQUIPMENT | REPLACED |
| SERVER (CITYFILES-SRV) | USE241J616 | TECHNOLOGY | MACHINERY & EQUIPMENT | REPLACED |
| FLUORIDE RESIDUAL ANALYZER | BP91365-07 | WATER | MACHINERY & EQUIPMENT | OUTDATED |
| REPLACE PROPELLER METER (2003) FLOW METER | | WATER | MACHINERY & EQUIPMENT | OUTDATED |
| 2005 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2006 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2007 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2008 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2010 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2011 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2009 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |

# RESOLUTION 25-16 DECLARING CERTAIN CITY PROPERTY OF THE WATER, SOLID WASTE, STORM DRAIN, AND/OR SEWER UTILITY TO BE SURPLUS PROPERTY

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

City Council Meeting

May 20, 2025

# CAPITAL ASSET POLICY

- The goal of the City's capital asset inventory system is to provide control and accountability over capital assets and to assist departments in gathering and maintaining information needed for the preparation of financial statements
- The Finance Department is responsible for maintaining and updating the policy
- The Office of the State Auditor (SAO) requires a reporting and accounting system for local governments (RCW 43.09.200)
- RCW 36.32.210 requires the city to file an annual inventory of all capitalizable assets with the Finance Director
- The Finance office keeps the information and reports it in accordance with generally accepted accounting principles and the SAO

# LIST OF ITEMS

## EXHIBIT A

| Description | Mfg Serial No | Custodian | GL Asset Acct Name | Notes: |
|---|---|---|---|---|
| MAPPING TOOL | ER0058944/11 | ENGINEERING | MACHINERY & EQUIPMENT | TRADED IN |
| 1200 LB ROTARY LIFT | | EQUIPMENT RENTAL | MACHINERY & EQUIPMENT | REPLACED |
| SCREENING WASHER/COMPACTOR | 72514-12 | SEWER | MACHINERY & EQUIPMENT | REPLACED |
| PREMEIR TRAILER E-43 | | SEWER | MACHINERY & EQUIPMENT | REPLACED |
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| MONROE SNOW PLOW E-42 | 406635 | STREETS | MACHINERY & EQUIPMENT | REPLACED |
| NETWORK/PHONE UPGRADES | | TECHNOLOGY | MACHINERY & EQUIPMENT | REPLACED |
| SERVER (CITY-SRV) | USE913N4CL | TECHNOLOGY | MACHINERY & EQUIPMENT | REPLACED |
| SERVER (CITYFILES-SRV) | USE241J616 | TECHNOLOGY | MACHINERY & EQUIPMENT | REPLACED |
| FLUORIDE RESIDUAL ANALYZER | BP91365-07 | WATER | MACHINERY & EQUIPMENT | OUTDATED |
| REPLACE PROPELLER METER (2003) FLOW METER | | WATER | MACHINERY & EQUIPMENT | OUTDATED |
| 2005 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2006 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2007 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2008 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2010 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2011 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |
| 2009 RADIO READ METERS | | WATER | MACHINERY & EQUIPMENT | REPLACED |

# RCW 35.94.040

- Per RCW 35.94.040, a public hearing must adopt Resolution 25-16 regarding surplus city property acquired by utility funds. Staff proposes removing these items from the capital asset list and disposing of them properly

# MOTION-UTILITY ASSETS

A motion to set a Public Hearing date of May 20, 2025, to adopt Resolution 25-16: Declaring Certain City Property of the Water, Solid Waste, Storm Drain, and/or Sewer Utility to be Surplus Property and authorizing the removal of these assets from the capital list.

**CITY OF OAK HARBOR** **Bill No.** 7.a
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Resolution 25-18: Adopting the Comprehensive Safety Action Plan and Establishing a Goal of Zero Traffic Deaths and Serious Injuries
**Submitted By:** Alex Warner, City Engineer

**RECOMMENDED ACTION**
I move to approve Resolution 25-18, a resolution of the City of Oak Harbor adopting the Comprehensive Safety Action Plan and establishing a goal to reduce the number of traffic deaths and serious injuries to zero by the year 2045.

**BACKGROUND / SUMMARY INFORMATION**
The Comprehensive Safety Action Plan (CSAP) is aimed at reducing and eliminating serious injury and fatal crashes affecting all roadway users by using data analysis to determine roadway safety problems and to strengthen a community's approach through projects and strategies that address the most significant safety risks.

The final Island Regional Transportation Planning Organization's (IRTPO's) CSAP is provided for adoption. This plan was a multi-agency effort that included the City of Oak Harbor. Section 11 of the plan is specific to the City of Oak Harbor.

Adoption of the plan is necessary to apply for Safe Streets For All (SS4A) implementation grants. Committing to the goal of reducing the number of traffic deaths and serious injuries to zero by the year 2045 demonstrates further support.

The Safe Streets Implementation capital project in the approved 2025/2026 budget details a grant application in the amount of $5,515,000. The street safety improvement project will be developed from the recommendations of the CSAP for Oak Harbor.

**LEGAL AUTHORITY**
Resolutions demonstrate the opinion, intent, or decision of a municipal governing body.

**FISCAL IMPACT**
N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**
January 28, 2025 - Staff presented the final draft of the IRTPO's CSAP for City Council input.

September 25, 2024 - City staff and DKS Associates provided an update to City Council regarding the development of the IRTPO CSAP.

August 6, 2024 - Citizen input was received at National Night Out via a booth for the CSAP manned by City staff and DKS Associates.

Summer 2024 - An online survey and social pinpoint map were utilized to receive public input.

September 6, 2022 - City Council approved a grant with a local match of $30,240 for the City of Oak Harbor to participate in the IRTPO's CSAP grant application for $403,200 of federal funding.

November 16, 2022 - Staff presented an update of the Traffic Calming Program detailing the intent to develop a Safety Action Plan that will provide a holistic, well-defined strategy to eliminate roadway fatalities and serious injuries.

**ATTACHMENTS**

1. Resolution No. 25-18 Adopting a Comprehensive Safety Action plan
2. Presentation - 2025.05.20 CC Adopting CSAP
3. FINAL_CSAP
4. FINAL_CSAP Appendices

**RESOLUTION 25-18**

**A RESOLUTION OF THE CITY OF OAK HARBOR ADOPTING THE COMPREHENSIVE SAFETY ACTION PLAN AND ESTABLISHING A GOAL OF ZERO TRAFFIC DEATHS AND SERIOUS INJURIES**

**WHEREAS,** traffic safety impacts our families, community, neighborhoods, health, and livability; and

**WHEREAS**, the National Highway Traffic Safety Administration projects that an estimated 40,990 people died in motor vehicle traffic crashes in 2023; and

**WHEREAS**, the Island Regional Transportation Planning Organization (IRTPO), of which the City of Oak Harbor is a member, has committed to the goal to reduce the number of traffic deaths and serious injuries by the year 2045; and

**WHEREAS**, Target Zero is a statewide safety framework in Washington to reduce and eventually eliminate traffic deaths and serious injuries using a data-driven, multi-disciplinary, and safe system approach that increases safe, healthy, and equitable mobility for all; and

**WHEREAS**, Target Zero recognizes that while human error will always occur, a combination of engineering, education, enforcement, and emergency medical service measures can reduce collisions and prevents collisions from causing death or severe injuries; and

**WHEREAS**, the City Council of the City of Oak Harbor has given said matter careful review and consideration and finds that good government and the best interests of the City of Oak Harbor will be served by the passage of this resolution.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Oak Harbor Washington:

Section 1: The City Council of the City of Oak Harbor hereby adopts the Comprehensive Safety Action Plan, attached as Exhibit A.

Section 2: The City of Oak Harbor is committed to the goal to reduce the number of traffic deaths and serious injuries to zero by the year 2045.

Section 3: For City of Oak Harbor staff to monitor and periodically report on progress toward the goal.

PASSED by the City Council and approved by its Mayor this twentieth day of May, 2025.

CITY OF OAK HARBOR

Ronnie D. Wright, Mayor

Attest:

Julie Nester, City Clerk

Approved as to Form:

Hillary Evans, City Attorney

# ADOPTING THE COMPREHENSIVE SAFETY ACTION PLAN

CITY OF Oak Harbor
WHIDBEY ISLAND, WASHINGTON

City Council Meeting

# COMPREHENSIVE SAFETY ACTION PLAN

- A joint effort
  - City of Oak Harbor
  - City of Langley
  - Town of Coupeville
  - Island Transit
  - Island County
- Led by the Island Regional Transportation Planning Organization (IRTPO)
- DKS Associates

# COMPREHENSIVE SAFETY ACTION PLAN

- Vision
  - Committed to the goal to reduce the number of traffic deaths and serious injuries to zero by the year 2045.
- Adoption
  - Allows for the application to the Safe Street for All (SS4A) implementation grant program to design & install roadway safety improvements.
- Resolution
  - Provides further commitment from the City of Oak Harbor

# SAFE STREETS FOR ALL (SS4A)

- Bipartisan Infrastructure Law
  - $5 billion 2022-2026

# ACTION

*I move to approve Resolution 25-18, a resolution of the City of Oak Harbor adopting the Comprehensive Safety Action Plan and establishing a goal to reduce the number of traffic deaths and serious injuries to zero by the year 2045.*

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

IRTPO COMPREHENSIVE SAFETY ACTION PLAN

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# COMPREHENSIVE SAFETY ACTION PLAN

APRIL 2025

# STATUTORY NOTICE

Under 23 U.S. Code § 148 and 23 U.S. Code § 407, safety data, reports, surveys, schedules, lists, compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or railway-highway crossings are not subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

# IRTPO COMPREHENSIVE SAFETY ACTION PLAN

Prepared for:

**ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION**

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

Prepared By:

DKS

In Partnership With:

TOOLE DESIGN

IRTPO COMPREHENSIVE SAFETY ACTION PLAN

# ACKNOWLEDGMENTS

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Alexander Warner, City Engineer, City of Oak Harbor

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Brian Tyhuis, Community Planning and Liaison Officer – Naval Air Station (NAS) Whidbey Island • Melanie Bacon, Commissioner – Island County • Curt Gordon, Vice President – Port of South Whidbey • Chris Damitio, Assistant Regional Administrator – WSDOT • Janet St. Clair, Commissioner – Island County • Jill Johnson, Commissioner – Island County • John Shambaugh, Transportation Planning Manager – WSDOT • Kennedy Horstman, Mayor – City of Langley • Molly Hughes, Mayor – Town of Coupeville • Michael Jones, Administrator – Island County • Justin Resnick, Planner – WSDOT Northwest Region • Fred Snoderly, Public Works Director – Island County • Ronnie Wright, Mayor – City of Oak Harbor • Martin Vandepas, District 3 Port Commissioner

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Alex Warner, City Engineer – City of Oak Harbor • James Blaisdel, District 2 Citizen – Island County • Brad Windler, Planning & Outreach Manager – Island Transit PTBA • Brian Tyhuis, Community Planning and Liaison Officer – Naval Air Station (NAS) Whidbey Island • Cac Kamak, Principal Planner – City of Oak Harbor • Don Meehan, District 1 Citizen – Island County • Ed Sewester, County Engineer – Island County • Joe Grogan, Public Works Director – Town of Coupeville • John Lanier, Long Range Planner – Island County • John Shambaugh, Planning Manager – NW Region Mt Baker Area – WSDOT • Joshua Engelbrecht, Community Planning Director – Town of Coupeville • Phillip Esqueda, Capital Project Manager – City of Oak Harbor • Randi Perry, Public Works Directory – City of Langley • Steve Schuller, Public Works Director – City of Oak Harbor • Angi Mozer, Executive Director – Port of South Whidbey

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# ACRONYMS

**ADA** – Americans with Disabilities Act

**ADT**– Average Daily Traffic

**ATP** – Active Transportation Plan

**BIPOC** – Black, Indigenous, and Person of Color

**CSAP** – Comprehensive Safety Action Plan

**DUI** – Driving Under the Influence of Alcohol and/or Drugs

**EMS** – Emergency Medical Services

**GIS** – Geographic Information Systems

**HIN** – High Injury Network

**IB** – Infrastructure Based Project

**IRTPO** – Island Regional Transportation Planning Organization

**NI** – Non-Infrastructure Based Project

**P&R** – Park and Ride

**RRFB** – Rectangular Rapid Flashing Beacon

**SHSP** – State Highway Safety Plan

**SR** – State Route

**SS4A** – Safe Streets and Roads for All

**SSA** – Safe System Approach

**SSN** – Safe System Network

**USDOT** – United States Department of Transportation

**VRU** – Vulnerable Road User

**WSDOT** – Washington State Department of Transportation

# DEFINITIONS

| | |
|---|---|
| **CRASH/COLLISION** | An event involving at least one motorized vehicle on a public roadway within which one or more road users are injured or killed, or that meets a particular property damage threshold (per WAC 446-85-010). |
| **CRASH SEVERITY** | The injury severity level of a crash is determined by the most severe injury sustained in the crash: fatal injury (K), suspected serious injury (A), suspected minor injury (B), possible injury (C), and no apparent injury (O). |
| **COMMUNITY AND POPULATION** | Community and population are often used interchangeably to describe groups of people sharing similar characteristics or experiences. In this document, we use "community" to mean a group of people who share experiences or cultures. "Population" is used to describe a group of people defined by shared demographic attributes, typically identified through Census data. |
| **DISTRACTED DRIVER** | Distraction includes a long list of items, including but not limited to other occupants, a moving object in the vehicle, eating or drinking, or using portable electronic devices. |
| **EQUITY** | Equity is a pluralistic concept that centers on the concept of fairness and justice. For a plan to address equity concerns of BIPOC communities, it must acknowledge historical marginalization, disenfranchisement, and disinvestment. An equity analysis should examine disproportionate impacts and disparate outcomes for those who have been harmed. |
| **HIGH INJURY NETWORK** | The High Injury Network (HIN) identifies where the most severe traffic-related fatal and serious injuries occur. The HIN represents 3.6% of IRPTO Region's roadway miles and contains 52% of all fatal and serious injury crashes in the IRTPO Region. |
| **HISTORICALLY DISADVANTAGED COMMUNITIES** | Historically Disadvantaged Communities refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. |
| **SAFE SYSTEM NETWORK** | The Systemic Safety Network (SSN), also known as a high-risk network, is a proactive review of roads in the IRTPO Region that identifies the correlation between roadway characteristics and high frequencies of crashes. The SSN was developed by looking at crashes in the IRTPO study area from 2018-2022 and the following roadway characteristics: traffic volume/average daily traffic, functional class, speed limit, roadway setting, and equity score. |
| **TRANSPORTATION INSECURE** | Transportation Insecure is a component of transportation disadvantage according to the US Department of Transportation. It occurs when people are unable to get to where they need to go to meet the needs of their daily lives regularly, reliably, and safely. |
| **VULNERABLE ROAD USER** | A Vulnerable Road User refers to individuals who use a human-scale and often human-powered means of travel to get from one place to another, including walking, bicycling, using a mobility assistive or adaptive device such as a wheelchair or walker, using micromobility devices such as skateboards, and using electric-assist devices such as e-bikes and e-foot scooters. Vulnerable road users typically travel without external protection, making them more susceptible to severe injuries in the event of a collision with a vehicle. For this Plan, a Vulnerable Road User is defined as a pedestrian or cyclist for analysis purposes. |

IRTPO
COMPREHENSIVE
SAFETY ACTION PLAN

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# EXECUTIVE SUMMARY

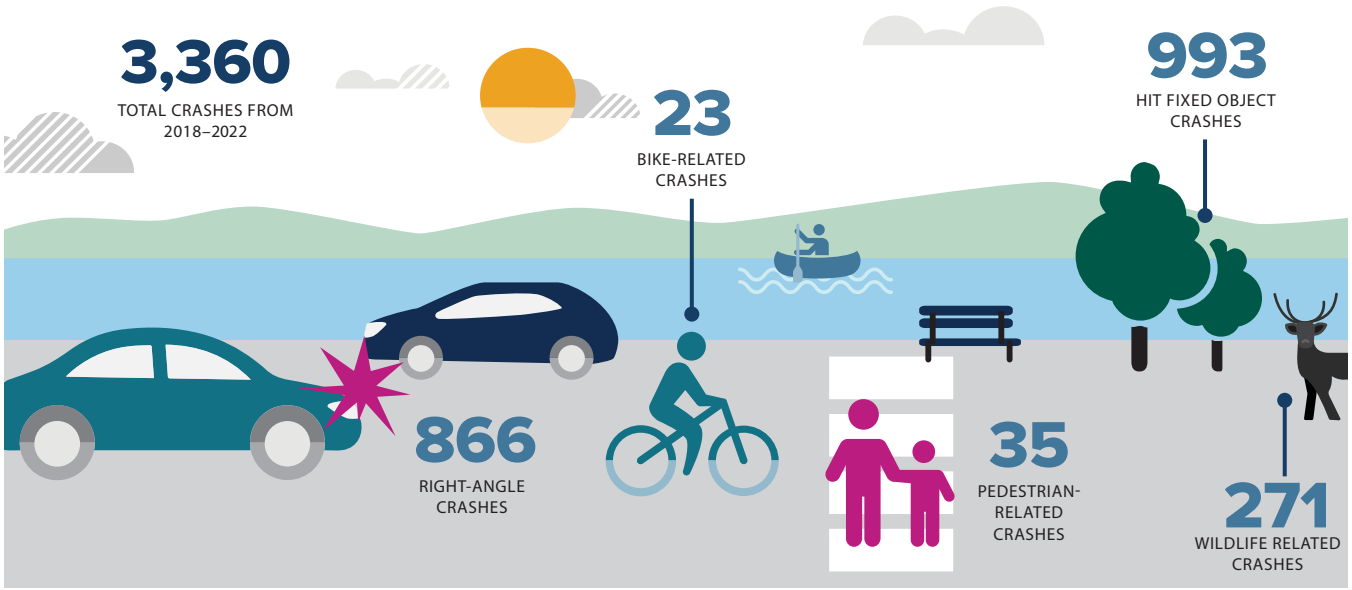
# EXECUTIVE SUMMARY

Island County's streets, roads, and highways serve as lifelines for residents and visitors, connecting them to jobs, education, and essential services. However, keeping road users safe while traveling on the islands remains a concern. Between 2008 and 2012, roadway crashes resulted in 28 fatalities and 119 serious injuries reported. These incidents have affected the community, emphasizing the need for safer transportation facilities.

The Island Regional Transportation Planning Organization (IRTPO), made up of Island County, cities, towns, ports, Island Transit, major employers, and the Washington State Department of Transportation (WSDOT), works collaboratively to design, operate, and maintain a transportation system that meets the needs of residents and visitors while promoting sustainability and equity. **IRTPO has cast a vision to eliminate fatalities and serious injuries by 2045 through bold actions in transportation system design, maintenance, and education about safe behaviors.**

To achieve this ambitious goal, IRTPO's Comprehensive Safety Action Plan (CSAP) lays the groundwork for meaningful projects and strategies to reduce the number and severity of roadway crashes. The CSAP employs a data-driven approach,

CRASH PATTERNS:




IRTPO REGION POPULATION SUMMARY:

*ESTIMATES FROM ESRI BUSINESS ANALYST

**89,000**
TOTAL POPULATION

**8,000**
POPULATION AGE 16-25

**17,000**
POPULATION OVER AGE 70

**2,600**
TOTAL BUSINESSES

**10,100**
HOUSEHOLDS WITH DISABILITIES

**1,100**
HOUSEHOLDS WITHOUT VEHICLE

integrating crash history, community demographics, and public feedback to identify and prioritize areas for safety improvements. The plan outlines projects and strategies to address the specific needs of various road users, making roadways safer for everyone who travels to, from, and within Island County. Its foundation is the Federal Safe System Approach, a guiding framework used nationally that considers the comprehensive nature of transportation safety.

The IRTPO project team conducted several important activities to develop this safety plan, as illustrated in **FIGURE 1** and described below.

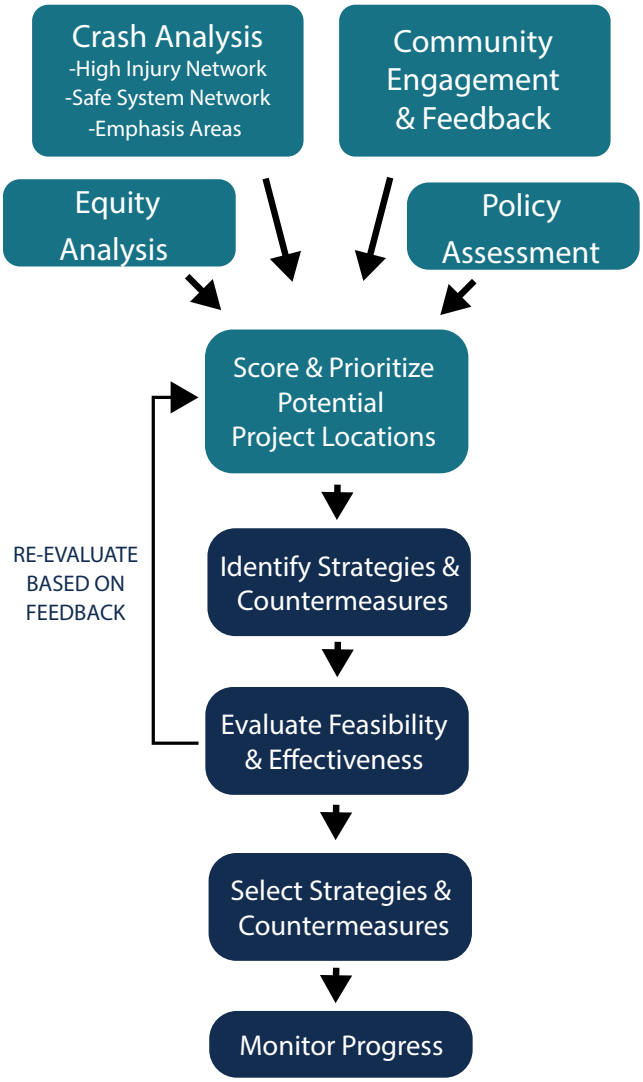
**Step 1: Safety Data and Equity Analysis.** IRTPO analyzed five years of reported crashes in Island County on all public roadways to understand two important elements of those crash events: location and contributing factors. The team also conducted an equity analysis to identify historically disadvantaged communities and sociodemographic populations.

**Step 2: Policy Assessment.** IRTPO reviewed regional and member agency policies, plans, guidelines, and standards to assess how each addresses transportation safety needs. Improving policies can have long-term life-saving effects.

**Step 3: Community Input.** It is vital to understand community concerns to gain a full understanding of roadway safety needs. More than 400 comments were shared about safety and ideas for projects and strategies via an online mapping tool, safety survey, and/or by attending in-person and online events.

**Step 4: Project and Strategy Recommendations.** Based on all inputs described in previous steps, IRTPO prioritized safety needs, balancing a reactive approach (focused on the past, including crash history) with a vision toward the future by predicting how projects and strategies can be most effective to prevent future crashes.

**FIGURE 1.** IRTPO CSAP METHODOLOGY APPROACH



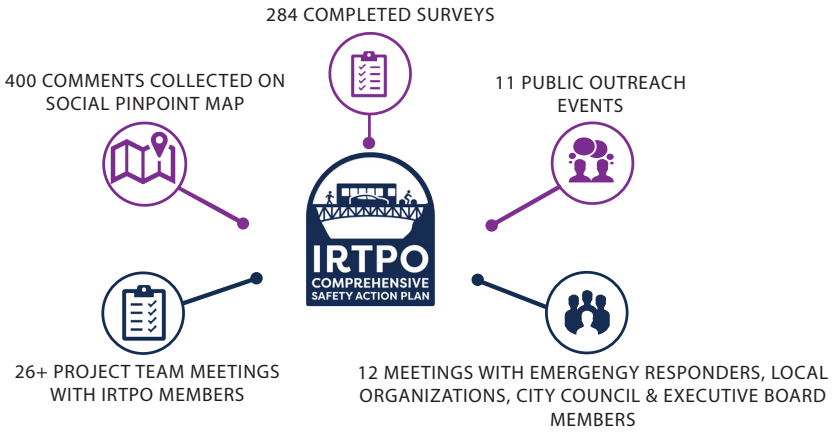
The result of this analysis is a set of recommended projects and strategies in these categories:

- **Policy Strategies** include implementing the County's recently developed speed limit policy, developing Safe Routes to School Plans, and developing an Active Transportation Plan.
- **Non-infrastructure Safety Strategies** include actions to address road user behavior, like high visibility law enforcement, education programs, and public outreach regarding the potential impact of impaired and distracted driving. It also includes improving coordination with IRTPO, Island County, Public Health, and Emergency Services to support post-crash care.
- **Infrastructure Safety Projects** are projects that are larger, more expensive, and can require feasibility studies and grant applications to secure approvals and funding. Examples include signalized intersections, roundabouts, sidewalks, and roadway reconfigurations.

This 4-step process included regular reports to the IRTPO Board and modifications to the process along the way based on their feedback. The result is this Comprehensive Safety Action Plan (CSAP), its recommended projects and strategies, and a foundation for all IRTPO agencies to use to make roads safer for all users.

The IRTPO Region is prioritizing two key projects in its transportation safety efforts. The first, Project IB-09, is a collaboration with WSDOT to widen the road shoulder along State Route 20 between Race Road and Welcher Road. The second priority, Project IB-16, proposes roadway reconstruction along State Route (SR) 20 in Oak Harbor between Whidbey Avenue to Southwest Eagle Vista Ave. This project will assess the feasibility of a road diet, potentially reducing the roadway from five lanes to three, and incorporating separated bike lanes. The proposed Project IB-16 also aims to improve pedestrian safety by enhancing existing crossings and evaluating the need for additional pedestrian crossings along the corridor.

ENGAGEMENT SUMMARY:




POTENTIAL SAFETY RECOMMENDATIONS IDENTIFIED:

**17**
NON-INFRASTRUCTURE PROJECTS

**21**
INFRASTRUCTURE PROJECTS

The CSAP is organized into chapters focused on the various contributors to the effort and their jurisdiction, including the whole IRTPO Region (Whidbey and Camano Islands), the Town of Coupeville, the City of Langley, the City of Oak Harbor, and Island Transit. Each chapter details the jurisdiction's unique background, crash history, public outreach efforts, and proposed safety projects. By fostering collaboration among stakeholders and leveraging shared expertise, the plan envisions a safer Island County where residents can live, work, and travel safely.

IRTPO
COMPREHENSIVE
SAFETY ACTION PLAN

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# INTRODUCTION

# INTRODUCTION

The streets, roads, and highways in Island County connect our residents and visitors to jobs, education, goods and services, and one another. All public roadways in the county should offer ways for people to travel safely. Unfortunately, that is not the current state of roadway safety in Island County. Between 2018 and 2022, 28 people were killed and 119 were seriously injured while traveling in the county. These were our neighbors, coworkers, family members, friends, and visitors.

The Island County Regional Transportation Planning Organization (IRTPO), formed in September 2016, coordinates collaborative transportation planning efforts among Island County, cities, ports, towns, Island Transit, major employers, and the Washington State Department of Transportation.

**THE IRTPO HAS MADE A COMMITMENT TO IMPROVE ROADWAY SAFETY FOR ALL ROAD USERS WITH A GOAL TO REACH ZERO FATALITIES AND SERIOUS INJURIES BY 2045.**

To meet this goal, IRTPO must act boldly to improve the way we design, operate, and maintain the transportation system, and we must educate our road users about safe behaviors.

The following Comprehensive Safety Action Plan lays a foundation to implement important actions to reduce the number and severity of roadway crashes in the IRTPO Region. Approaching zero deaths and serious injuries will require all of us to share this responsibility and use our combined experience and expertise to implement safety projects and strategies. In the end, together we will make Island County a safer place to live, work, and play.

# COMPREHENSIVE SAFETY ACTION PLAN

## WHAT IS IT AND WHY DO WE HAVE ONE?

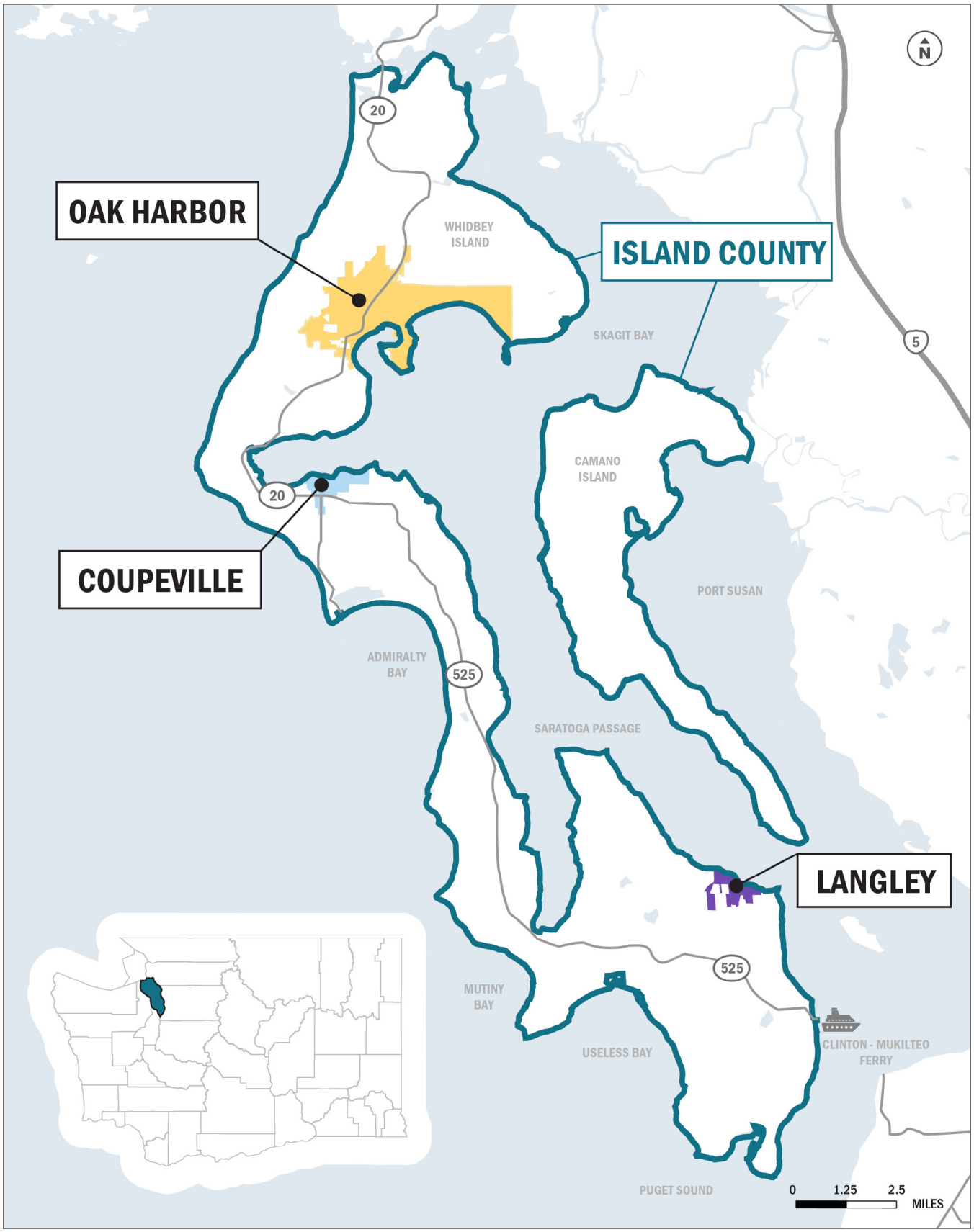
The Comprehensive Safety Action Plan's (CSAP) purpose is to improve safety for all roadway users. Its primary focus is reducing fatal and serious injury crashes. To do this, the CSAP uses data and the perspective of community members to create an understanding of the areas that need safety interventions. Based on this analysis, the plan includes proposed projects and strategies designed to improve roadway safety.

## PURPOSE OF THE CSAP

The IRTPO secured funding from the federal Safe Streets and Roads For All (SS4A) grant in 2023 to create a CSAP to reduce fatal and serious injuries in Island County. This safety plan identifies projects and strategies to make roadways safer for all users by using a data-driven approach to analyze crash history, community demographics, and citizen concerns. This information will help identify, prioritize, and implement safety countermeasures to reduce both frequency and severity of crashes.

This Plan is organized based on chapters for each of the partners who helped bring it together (see **FIGURE 2**). The following chapters are divided into IRTPO Region (including both Camano Island and Whidbey Island), then looking at the Town of Coupeville, City of Langley, and the City of Oak Harbor. Each chapter highlights the background, crash data, emphasis areas, high priority locations, feedback from the public, and the potential recommendations identified.

**FIGURE 2.** STUDY AREAS FOR THE IRTPO CSAP CHAPTERS



# SS4A CHECKLIST

The following section identifies the relevant chapters for each SS4A element. The 2024 SS4A Self-Certification Eligibility Worksheet is included in **APPENDIX A**.

| ACTION PLAN ELEMENT | PAGE NUMBER |
|---|---|
| **THE SAFETY ACTION PLAN MUST INCLUDE THESE THREE REQUIRED ELEMENTS:** | |
| 1. **SAFETY ANALYSIS**<br>• Analysis of existing conditions and historical trends to baseline the level of crashes involving fatalities and serious injuries across a jurisdiction, locality, tribe, or region;<br>• Analysis of the location where there are crashes, the severity, as well as contributing factors and crash types;<br>• Analysis of systemic and specific safety needs, as needed (e.g., high risk road features, specific safety needs of relevant road users);<br>• A geospatial identification (geographic or locational data using maps) of higher risk locations. | **IRTPO REGION (P. 35)**<br>**COUPEVILLE (P. 48)**<br>**LANGLEY (P. 57)**<br>**OAK HARBOR (P. 66)** |
| 2. **STRATEGY AND PROJECT SELECTIONS:**<br>DOES THE PLAN IDENTIFY A COMPREHENSIVE SET OF PROJECTS AND STRATEGIES TO ADDRESS THE SAFETY PROBLEMS IN THE ACTION PLAN, TIME RANGES WHEN PROJECTS AND STRATEGIES WILL BE DEPLOYED, AND EXPLAIN PROJECT PRIORITIZATION CRITERIA? | **PROPOSED PROJECTS (P. 81)** |
| 3. **COMPLETION DATE:** | **APRIL 2025** |
| **THE SAFETY ACTION PLAN MUST INCLUDE AT LEAST THREE OF THE FOLLOWING FIVE OPTIONAL REQUIREMENTS:** | |
| 4. **ARE BOTH OF THE FOLLOWING TRUE?**<br>• **Leadership Commitment:** Did a high-ranking official and/or governing body in the jurisdiction publicly commit to an eventual goal of zero roadway fatalies and serious injuries?<br>• **Goal:** Did the commitment include either setting a target date to reach zero, or setting one or more targets to achieve significant declines in roadway fatalities and serious injuries by a specific date? | **VISION ZERO COMMITMENT (P. 14)** |

| ACTION PLAN ELEMENT | REQUIRED OR OPTIONAL? |
|---|---|
| **THE SAFETY ACTION PLAN MUST INCLUDE AT LEAST THREE OF THE FOLLOWING FIVE OPTIONAL REQUIREMENTS (CONT.):** | |
| 5. **PLANNING STRUCTURE:** TO DEVELOP THE ACTION PLAN, WAS A COMMITTEE, TASK FORCE, IMPLEMENTATION GROUP, OR SIMILAR BODY ESTABLISHED AND CHARGED WITH THE PLAN'S DEVELOPMENT, IMPLEMENTATION, AND MONITORING? | **WHAT DOES OUR COMMUNITY SAY? (P. 20)** |
| 6. **ENGAGEMENT AND COLLABORATION:** DID THE ACTION PLAN DEVELOPMENT INCLUDE ALL THE FOLLOWING ACTIVITIES?<br>• Engagement with the public and relevant stakeholders, including the private sector and community groups<br>• Incorporation of information received from the engagement and collaboration into the plan<br>• Coordination that included inter- and intra-governmental cooperation and collaboration, as appropriate | **WHAT DOES OUR COMMUNITY SAY? (P. 20)** |
| 7. **POLICY AND PROCESS CHANGES:** ARE BOTH OF THE FOLLOWING TRUE?<br>• Plan development included an assessment of current policies, plans, guidelines, and/or standards to identify opportunities to improve how processes prioritize safety<br>• Plan discusses implementing through the adoption of revised or new policies, guidelines, and standards | **POLICY & PROCESS REVIEW (P. 31)** |

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# SAFE SYSTEM APPROACH

# SAFE SYSTEM APPROACH

The SS4A grant program is supported by the Safe System Approach, which represents a shift in thinking about transportation safety. This approach includes improving safety culture, increasing collaboration across all safety-interested parties, and redesigning transportation systems to anticipate human error, lessening impact forces to reduce crash severity.

The Safe System Approach is recognized as an effective way to manage inherent risks within the transportation system. As part of this approach, multiple layers of protection are created to prevent crashes and reduce harm when crashes do occur. It provides a holistic and comprehensive approach with a guiding framework to make transportation systems safer for everyone.

**FIGURE 3.** USDOT SAFE SYSTEM APPROACH DIAGRAM

The Safe System Approach (SSA) prioritizes the elimination of crashes that result in fatal and serious injury outcomes by creating a system with redundancies in place to protect all road users (See **FIGURE 3**).

There are six key principles of the USDOT Safe System Approach:

1. **DEATH AND SERIOUS INJURIES ARE UNACCEPTABLE**
2. **HUMANS MAKE MISTAKES**
3. **HUMANS ARE VULNERABLE**
4. **RESPONSIBILITY IS SHARED**
5. **SAFETY IS PROACTIVE**
6. **REDUNDANCY IS CRUCIAL**

The following are the five Safe System Approach elements. By integrating these elements, the SSA aims to create a transportation system where no one suffers life-changing injuries from road crashes.

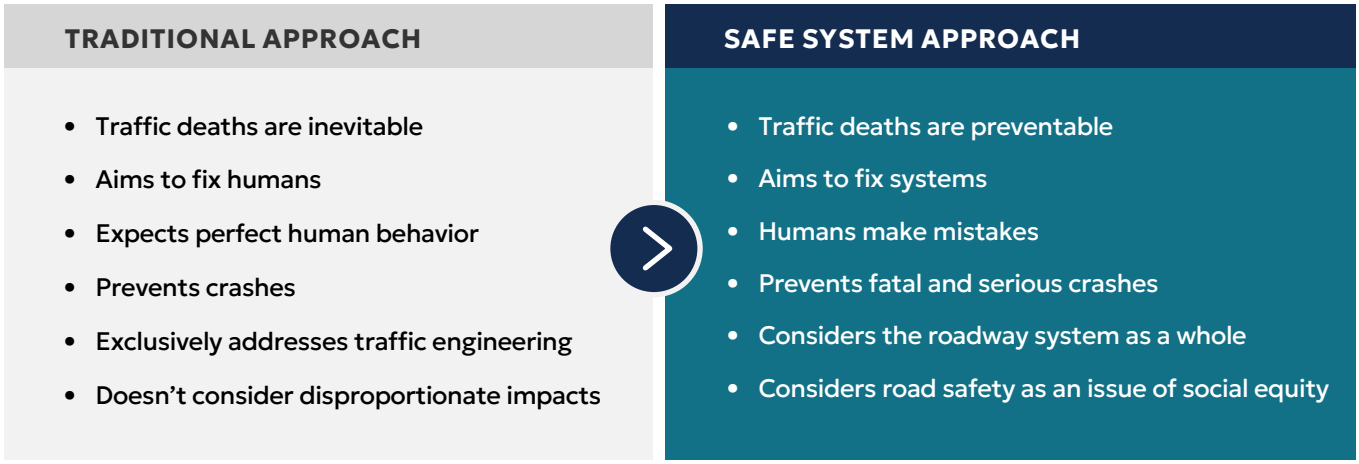
**TABLE 1.** SAFE SYSTEM APPROACH ELEMENTS

| | SAFE SYSTEM ELEMENTS |
|---|---|
| | **Safer People** – The safety of all road users is equitably addressed, including those who walk, bike, drive, ride transit, or travel by other modes. |
| | **Safer Vehicles** – Vehicles are designed and regulated to minimize injury for those inside and outside the vehicle using safety measures that incorporate the latest technology. |
| | **Safer Speeds** – Humans are less likely to survive high-speed crashes. Reducing speeds can accommodate human-injury tolerances in three ways: reducing impact forces, providing additional time for drivers to stop, and improving visibility. |
| | **Post Crash Care** – People who are injured in collisions rely on emergency first responders to quickly locate and stabilize their injuries and transport them to medical facilities. Post-crash care also includes forensic analysis at the crash site, traffic incident management, and other activities. |
| | **Safer Roads** – Designing transportation infrastructure to accommodate human mistakes and injury tolerances can greatly reduce the severity of crashes. Examples include physically separating people traveling at different speeds, providing dedicated times for different users to move through a space, and alerting users to hazards and other road users. |

Whereas traditional road safety strives to modify human behavior and prevent all crashes, the Safe System Approach refocuses transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives.

To make meaningful progress, changes are needed in how we think about the traffic safety problem and the approaches to solving it. **FIGURE 4** further describes differences between the previously-used traditional approach and the Safe System Approach.

**FIGURE 4.** COMPARISON BETWEEN TRADITIONAL ROAD SAFETY APPROACH AND SAFE SYSTEM APPROACH



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# VISION ZERO COMMITMENT

**BEFORE THE ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION**

| **IN THE MATTER OF ESTABLISHING A GOAL TO WORK TOWARDS ZERO TRAFFIC DEATHS AND SERIOUS INJURIES** | **RESOLUTION NO. 25-002** |
|---|---|

**WHEREAS**, Traffic safety impacts our families, community, neighborhoods, health and livability; and

**WHEREAS**, The National Highway Traffic Safety Administration projects that an estimated 40,990 people died in motor vehicle traffic crashes in 2023; and

**WHEREAS**, Island Regional Transportation Planning Organization (IRTPO) adopted the Island County Regional Transportation Plan, also known as Island Access 2045, that includes a goal to support partners' efforts at building, maintaining, and operating a transportation system that safely and efficiently meets mobility needs for all modes of travel while keeping life costs as low as possible; and

**WHEREAS**, Target Zero is a statewide safety framework in Washington to reduce and eventually eliminate traffic deaths and serious injuries using a data-driven, multi-disciplinary, and the safe system approach that increases safe, healthy, and equitable mobility for all; and

**WHEREAS**, Target Zero recognizes that while human error will always occur, a combination of engineering, education, enforcement and emergency medical services measures can reduce collisions and prevent collisions from causing death or severe injuries; and

**WHEREAS**, IRTPO has given said matter careful review and consideration, and finds that good government and the best interests of IRTPO will be served by passage of this resolution.

**NOW THEREFORE BE IT RESOLVED BY THE ISLAND REGIONAL TRANSPORTATION ORGANIZATION:**

**Section l:** IRTPO will be committed to the goal to reduce the number of traffic deaths and serious injuries to zero by the year 2045.

**Section 2:** For IRTPO staff to monitor and periodically report on progress toward the goal.

**ADOPTED** by the IRTPO Executive Board, this date April 23rd 2025.

Curt Gordon, Port of South Whidbey Commissioner
Co-Chair of the IRTPO Executive Board

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# METHODOLOGY

This section highlights the analysis components used to help prioritize potential project locations in the IRTPO Region. Every analysis component is used as an input for scoring intersections and segments with the most severe crashes in the IRTPO region.

For more details on the development, analysis, and conclusions drawn from the HIN, the SSN, the Intersection Analysis, and project prioritization, refer to:

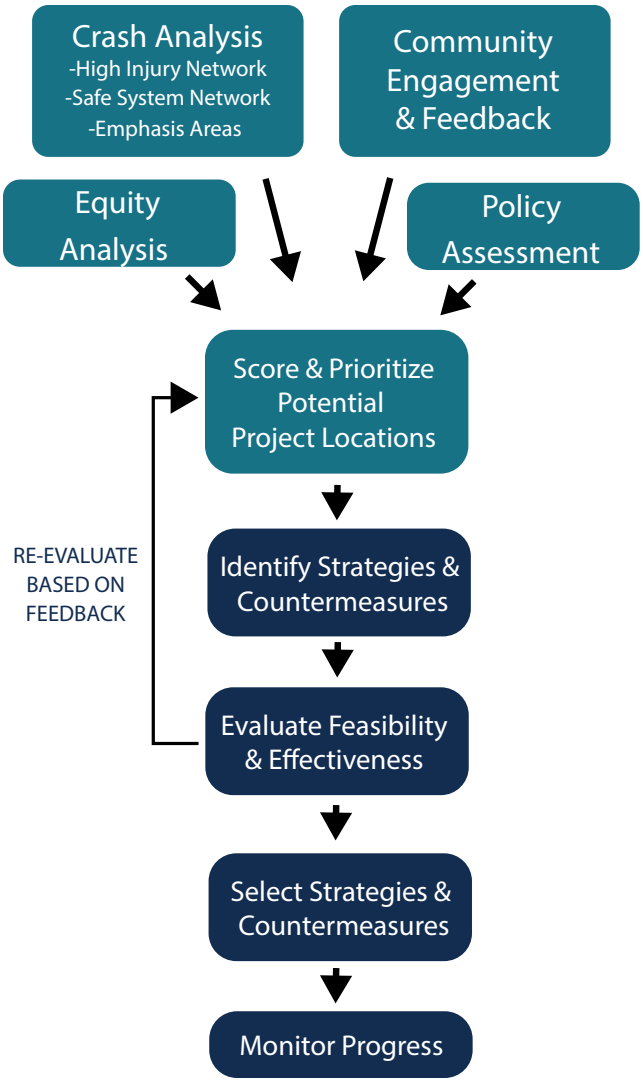
**Appendix B**: High Injury Network and Intersection Screening.

**Appendix C**: Systemic Safety Analysis Technical Memorandum

## HIGH INJURY NETWORK

The High Injury Network (HIN) for all modes depicts segments of the roadway network with the highest densities of fatal and serious injury crashes. The HIN was developed by using crash data from the 5-year period of 2018-2022, which was acquired from WSDOT for the IRTPO study area (including local, county, and state roadways). WSDOT crash data was retrieved from the Public Disclosure request center and includes all Officer reportable crashes to the public.[1] The crash data analysis began early 2024 and the most recent crash data verified by WSDOT was 2022, therefore crash data for 2023 was not included for this analysis.

The HIN for all modes contains 52% of the fatal and serious injury crashes on just 3.6% of the IRTPO Region's roadway miles. In other words, only 3.6% of all the roadway miles in the IRTPO Region experienced more than half of the fatal and serious injury crashes over the five-year study period.




## SYSTEM SAFETY NETWORK

The Systemic Safety Network (SSN), also known as a high-risk network, is a proactive review of roads in the IRTPO Region that looks at the correlation between roadway characteristics and high frequencies of crashes. The SSN was developed by looking at crashes in the IRTPO study area from 2018-2022 and the roadway characteristics in **TABLE 2** on the following page, which are referred to as screening factors.

1 WSDOT Public Disclosure Request Center: https://wsdot.wa.gov/about/contacts/public-disclosure

**TABLE 2.** SCREENING FACTORS FOR SYSTEMIC SAFETY NETWORK ANALYSIS

| SCREENING FACTOR | DESCRIPTION |
|---|---|
| **Traffic Volume/Average Daily Traffic (ADT).** The average number of vehicles that traveled along this segment each day. | Up to 1,000 ADT; 1,001 to 10,000 ADT; greater than 10,000 ADT |
| **Functional Class.** Roadways are categorized by their function (e.g., moving traffic and/or providing access to properties). | High = highways or arterials<br>Medium = collectors<br>Low = local and residential streets |
| **Speed Limit.** Regulatory maximum allowable speed posted on the segment. | Less than 30 MPH,<br>35 to 45 MPH,<br>and greater than 50 MPH |
| **Roadway Setting.** Level of urbanization. | Defined as either 'urban' or 'rural' based on Island County land use data. |
| **Equity Score.** Described in Chapter 6, identifies marginalized geographics and/or populations. | Defined as 'Higher Need', 'Moderate Need', 'Lower Need', and 'No Need' |

*See Appendix E for more information on the specific equity tool that were used and details on how the equity thresholds and areas were determined.*

## LOCATION IDENTIFICATION AND PRIORITIZATION

The results of the High Injury Network, Systemic Safety Network, and equity analyses, as well as feedback from the public, were used to score roadway corridors and intersections for project development. The roadway corridors and intersections were assigned scores for developing general safety projects, as well as Vulnerable Road User-specific projects. The segments and intersections were assigned scores separately using geospatial software and the scoring frameworks in **TABLE 3** and **TABLE 4**. These locations were ranked and prioritized to guide project development.

**TABLE 3.** PRIORITIZATION SCORING SYSTEM FOR ROADWAY SEGMENTS – GENERAL SAFETY PROJECTS (ALL MODES)

| CRITERION | METRIC (POINTS) | MAX SCORE (POINTS) |
|---|---|---|
| 1. On High Injury Network for All Modes | Yes = 2 Points<br>No = 0 points | 2 |
| 2. On Systemic Safety Network for All Modes | Identified as "Critical" = 3 Points<br>Identified as "High" = 2 Points<br>Identified as "Medium" = 1 Point<br>Not on Systemic Safety Network = 0 points | 3 |
| 3. Overlaps with an Equity Need Area | Identified as "Higher" = 3 Points<br>Identified as "Moderate" = 2 Points<br>Identified as "Low" = 1 Point<br>Not identified as an Equity Need Area = 0 points | 3 |
| 4. Received Public Feedback | Yes =3 points<br>No = 0 Points | 3 |
| | **Total Score (Points)** | **# / 11** |

**TABLE 4.** PRIORITIZATION SCORING SYSTEM FOR INTERSECTIONS – GENERAL SAFETY PROJECTS (ALL MODES)

| CRITERION | METRIC (POINTS) | MAX SCORE (POINTS) |
|---|---|---|
| 1. On Intersection Screening | Highest Number of Crashes = 4 Points<br>High Number of Crashes = 3 Points<br>Moderate Number of Crashes = 2 Points<br>Low Number of Crashes = 1 Point<br>No Reported Crashes = 0 Points | 4 |
| 2. On Equity Need Area | Identified as "Higher" = 3 Points<br>Identified as "Moderate" = 2 Points<br>Identified as "Low" = 1 Point<br>Not identified as an Equity Need Area = 0 points | 3 |
| 3. Received Public Feedback | Yes = 3 points<br>No = 0 Points | 3 |
| | **Total Score (Points)** | **# / 10** |

To simplify the scoring system provided for segments and intersections a "Natural-Breaks Method" was used to categorize the prioritized locations. This method uses total scores and divides the data into groups that naturally cluster, ensuring the data points within the same group are more similar to each other than to those in other groups.

**TABLE 5.** PRIORITIZATION LEVELS FOR ALL SEGMENTS AND INTERSECTIONS

| LOCATION/LAYER | TOTAL SCORES |
|---|---|
| Segments | 0 - 1 Points = "Low"<br>2 - 4 Points = "Medium"<br>5 – 11 Points = "High" |
| Intersection | 0 Points = "Low"<br>1 –2 Points = "Medium"<br>3 – 10 Points= "High" |

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# WHAT DOES OUR COMMUNITY SAY ABOUT ROADWAY SAFETY?

# PUBLIC OUTREACH AND ENGAGEMENT OVERVIEW

Over the course of the Summer and Fall of 2024, the IRTPO CSAP project team conducted several forms of outreach including phone calls, emails, pop-ups at local events on Whidbey and Camano Islands, in-person open house presentations on both islands, and virtual meetings. The project team also developed and regularly updated a publicly accessible project website via Social Pinpoint. In addition to general information describing the IRTPO CSAP project, the project website also featured an interactive comment map, a brief survey, relevant documents such as FAQs and printable flyers, information on future engagement opportunities, and presentation materials from past public meetings and open houses. For more details on the engagement effort, see **Appendix D**. The following section summarizes the engagement effort and highlights the engagement received.

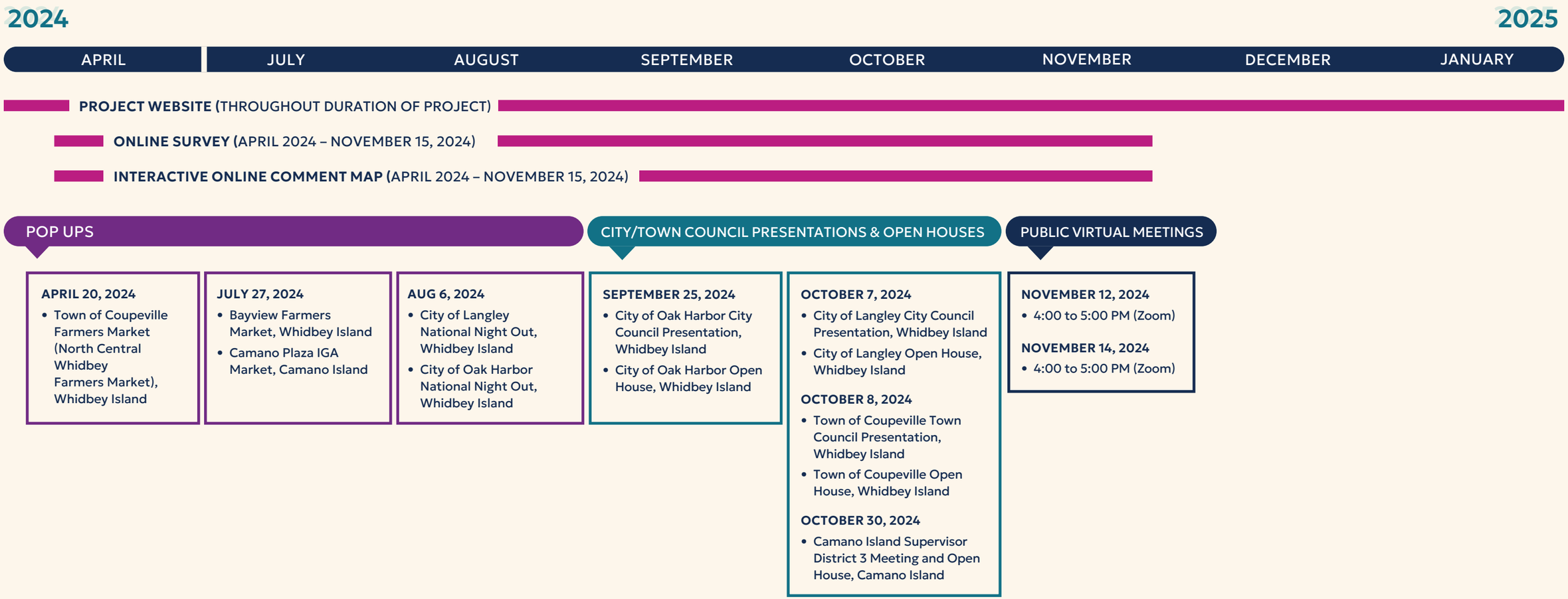
IRTPO developed an extensive initial list of contact information for community groups and organizations; professional societies; federal, county, and local agencies; Tribal nations; emergency responders; fire and police departments; and local businesses throughout the IRTPO region. The list of contact information for community members in the IRTPO region was continuously updated throughout the public engagement process as the public outreach events took place and more people shared their contact information on the Social Pinpoint site. The contact list for public engagement efforts grew to over 170 individuals over the course of the project.

**FIGURE 5** depicts the timeline of all the IRTPO CSAP public engagement efforts that were executed from Spring to Fall of 2024.

**THE GOALS OF THE IRTPO CSAP OUTREACH WERE TO:**

- Inform the IRTPO community members of the IRTPO's goal to eliminate roadway deaths and injuries by 2045
- Inform the IRTPO community members of what CSAPs are, what they entail, and how they can help improve roadway safety in their communities
- Listen to and learn more about the public's safety concerns
- Incorporate the public's feedback and ideas for safety improvements in the IRTPO CSAP project prioritization process

**FIGURE 5.** ENGAGEMENT EVENTS TIMELINE

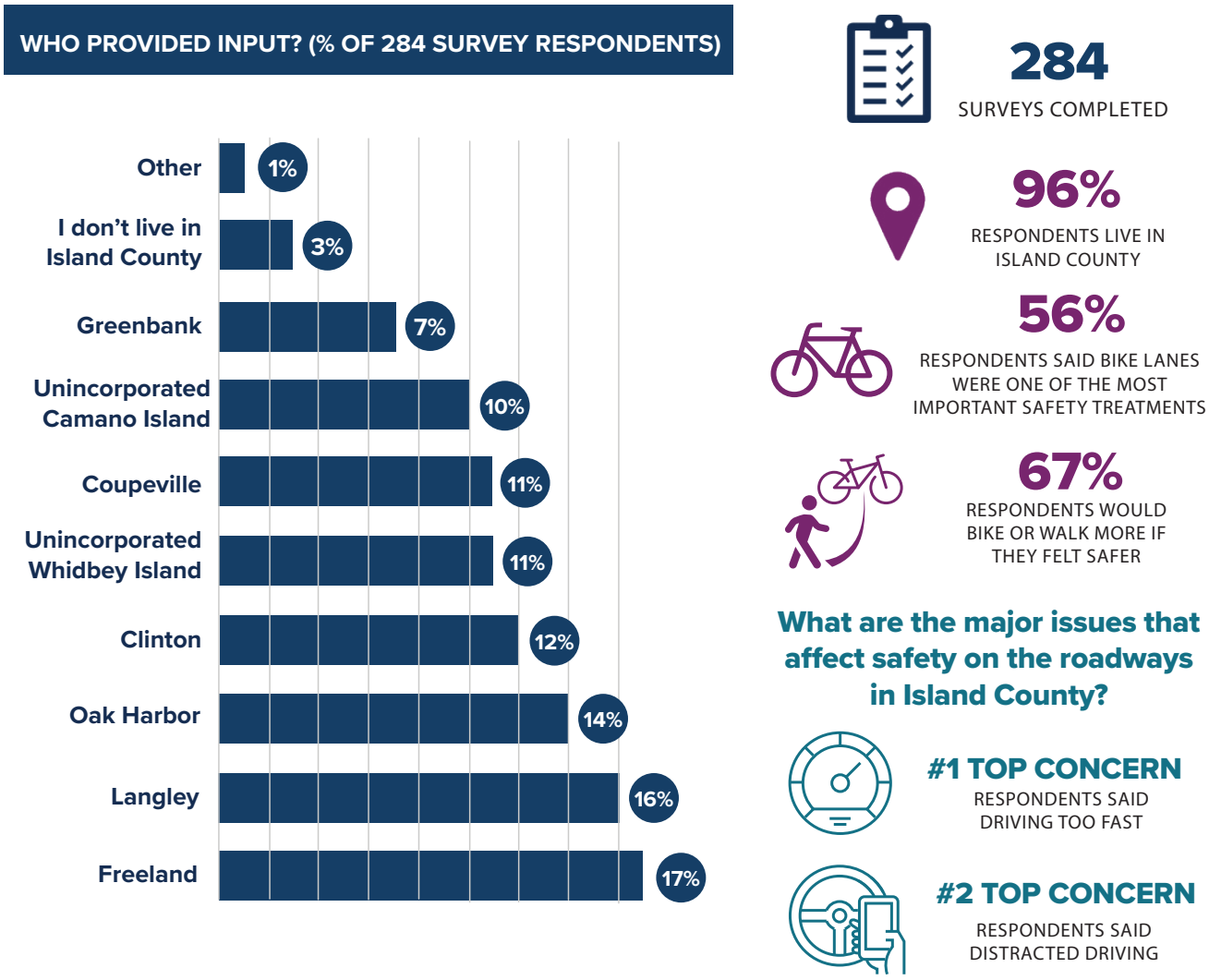


# PROJECT WEBSITE – SOCIAL PINPOINT

## SURVEY

The project website, hosted by Social Pinpoint, included a brief survey asking participants to share their safety priorities, concerns, and questions with the project team. The survey also asked optional demographic questions to gain a better understanding of which communities were filling out the survey and which communities needed more concerted outreach efforts based on the survey responses.

**FIGURE 6.** SUMMARY OF PUBLIC ENGAGEMENT EFFORT



## INTERACTIVE COMMENT MAP

The project website included an interactive map where participants could add location-based comments to share their safety priorities, concerns, and questions with the project team. The comment categories participants could choose from were Pedestrian/Bicycle, Motor Vehicle, Transit, and General. Participants could also upvote and downvote other comments already posted. Over the span of the project engagement phase, the Interactive Comment Map received 400 comments and numerous upvotes for existing comments.

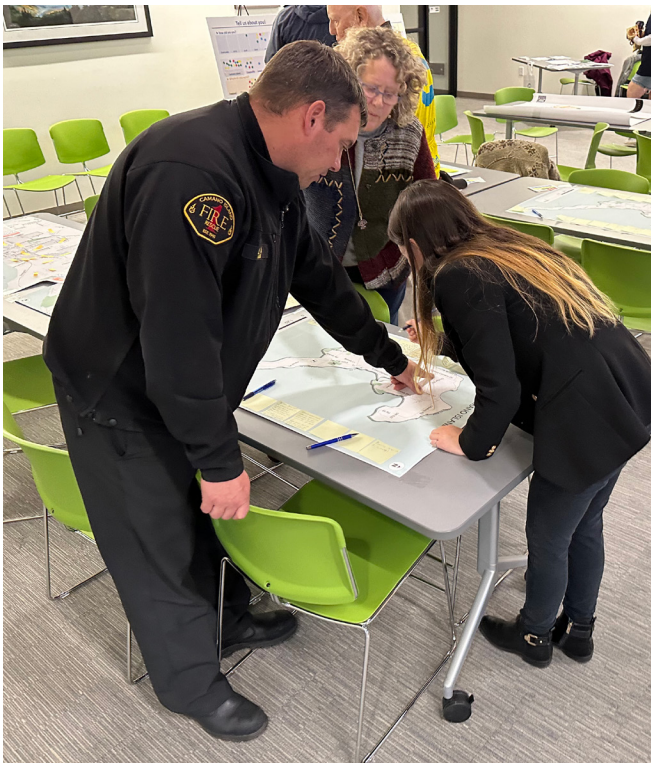
The comments received in the survey responses for each of the major jurisdictions in the IRTPO region (City of Oak Harbor, City of Langley, Town of Coupeville) were summarized in the jurisdiction-specific Chapters.

**FIGURE 7.** HIGHLIGHTS FROM FEEDBACK RECEIVED

# LOCAL LAW ENFORCEMENT AND EMERGENCY RESPONDERS

Local law enforcement officials and emergency responders (EMS and fire departments) were contacted throughout the development of the CSAP and during the public engagement phase. The project team held meetings with these officials to gain insight into crashes in their jurisdictions and ideas they may have for improvements. Local law enforcement officials and emergency responders were also invited to attend the City/Town Council presentations and the open houses to share their experiences with the project team and the public.

In addition to meeting with law enforcement and emergency responders, the Island County Public Health Department's Prevention Services Supervisor provided support for the CSAP and feedback regarding roadway safety improvements in the IRTPO region. The Island County Public Health Prevention Services Supervisor noted that "health care access is a major concern for Island County residents as described in the updated Community Health Assessment (Island County Public Health, 2024).[1] Emergency services are often overburdened due to residents relying on 911 for non-urgent care, stemming from an aging population, social isolation, and a lack of primary care and urgent care options. As a result, transports to emergency departments are increasing, so ensuring EMS routes are prioritized for safety improvements is critical."



## ROADWAY SAFETY FEEDBACK FROM THE CITY OF LANGLEY CHIEF OF POLICE

The IRTPO CSAP project team contacted the City of Langley Chief of Police, Tavier Wasser, to discuss safety concerns from a local law enforcement and EMS perspective.

The department's main concerns included road user behaviors (speeding, distraction, pedestrian crossing actions), use of golf carts on public roads, queueing during peak tourist seasons, and sight distance visibility issues. Chief Wasser suggested several strategies, including consistent posted speed limits, improvements to pedestrian infrastructure, and implementing roundabouts and neighborhood traffic calming circles.

1 2024 Island County Community Health Assessment. Retrieved January 27, 2025, from https://www.islandcountywa.gov/DocumentCenter/View/8034/Island-County-Public-Health-Community-Health-Assessment-2024?bidId=

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# EQUITY CONSIDERATIONS

# EQUITY ANALYSES

The goal of the equity analysis is to present tools for distinguishing populations that are underserved and under-resourced and an approach to assessing how these populations are disproportionately impacted by the safety risks on the transportation system. The results of the analysis reveal demographic patterns in safety outcomes and provide valuable information for adopting an equity lens to prioritize safety investments. Along with the crash analysis, development of the High Injury Network (HIN), and community engagement findings, the results can provide an understanding of the implications of safety risk disparities in various communities.

This analysis acknowledges that it is limited to the data available and may not fully capture how transportation safety affects all disadvantaged populations. The following section provides a summary of the analysis, and the complete equity analysis report can be found in **Appendix E**.

A first step in equity analysis is identifying where historically disadvantaged communities are located. Such communities are distinguished using demographic and socioeconomic indicators from government data such as the U.S. Census or American Community Survey. These indicators reveal how particular communities have been systemically oppressed and marginalized. They can be mapped to see where high equity need communities are located within a given jurisdiction. Examples of such indicators are listed in the appendices of this memo.

The geographic distribution of high equity need areas can then be spatially compared to various outcomes of the transportation system, such as safety risk. Outcomes experienced by various populations can be compared to each other, revealing disparities, and establishing a baseline to improve upon. The equity analysis can be used as a framework to make decisions and investments that reduce socio-demographic disparities and redress past harms.

## DEFINING POPULATIONS

To see where communities with sociodemographic vulnerabilities are geographically located, four publicly available tools from Federal and State agencies were researched:

1. Climate and Economic Justice Screening Tool (CEJST)
2. Equitable Transportation Community Explorer (ETC Explorer)
3. Sandy Williams Equity Needs Map
4. Washington Environmental Health Disparities Map

To review the analysis results of all four publicly available tools, see **Appendix E**. These four datasets are not granular enough to recognize trends specific to local jurisdictions within the IRTPO Region. However, they provide a foundation for agencies to incorporate equity when planning transportation safety improvements.

## SUMMARY OF HIGH EQUITY NEED AREAS

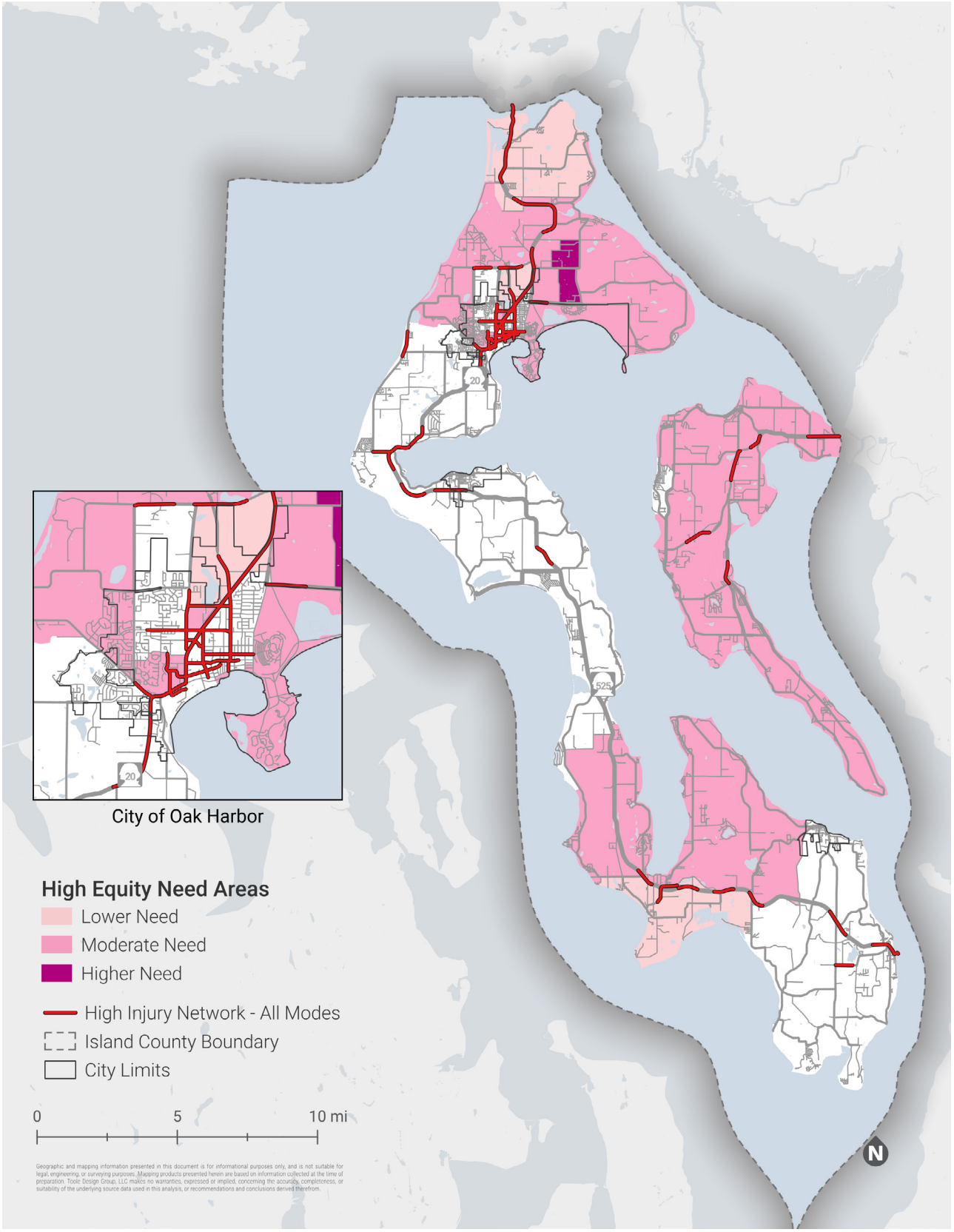
Using Geographic Information Systems (GIS), all four publicly available datasets were extracted and overlayed with each other. When all four datasets overlap (see **FIGURE 8**), a new map highlights particularly high equity need areas.

- Block groups with a score of 13 or higher on the Sandy Williams Equity Needs Map
- Census tracts that are transportation insecure according to the ETC Explorer
- Census tracts that are deemed disadvantaged according to the CEJST
- Census tracts where households spend 27% or 28% of their income on transportation expenses

**FIGURE 8** displays the Equity Need Areas and categorizes them as Higher Need, Moderate Need and Lower Need areas. The HIN was also overlaid to see where high equity needs areas and the HIN overlap.

Communities just north of Naval Air Station Whidbey Island are transportation insecure, have a high transportation expense, and have a high equity need according to the Sandy Williams Equity Needs Map. All of Camano Island is both transportation insecure and has a high transportation expense. Places of overlap should be the focus for safety improvements and for targeted community engagement to better understand their needs.

**FIGURE 8.** HIGH EQUITY NEED AREAS



# ADVANCING EQUITY

Equity analysis is the starting point for advancing transportation equity. The greatest insights into equity analysis come from being used at the regional and local levels, as well as for monitoring how outcomes change over time.

## STORYTELLING

IRTPO, as a planning organization, does not implement safety projects directly, but it does allocate funding. This funding can influence equity outcomes through storytelling of transportation needs and identifying those vulnerable to mobility limitations, based on patterns from the regional analysis. This is most useful in smaller towns and rural communities with fewer resources to conduct their own analysis.

Equity analysis should be influenced by regional engagement, as equity analysis groups people into broad demographic populations based on demographic data and geographic bounds from the US Census, not neighborhood boundaries. These demographic groupings do not capture individual or community experiences.

The concept of personas can show how people across the region experience the transportation system and its challenges, to bring this data to local jurisdictions.

## ACCESS FOR PEOPLE WITH DISABILITIES

This analysis does not fully explore the challenges of accessibility disparities. Since accessibility is tied to safety, further analysis would enhance the results. Expanding quality mobility options can reduce mobility limitations caused by factors such as age, ability, and income, enabling greater freedom of movement.

## QUALITATIVE DATA

The entire story is not told just by quantitative data and analysis. Lived experiences, gathered through community engagement, are needed to fully understand transportation disadvantages. This input helps define safety risks, barriers to access and mobility, and establish the existing conditions and context.

## CONTINUED ASSESSMENT

This analysis identified areas in IRTPO's jurisdiction with high equity needs by using online tools from government agencies. IRTPO can assess its progress on safety and addressing disparities by monitoring the impact investment decisions are having on marginalized communities. Monitoring these impacts over time ensures that investments address disproportionate impacts and underinvestment.

Updating the equity analysis by adjusting demographic factors and indicators will improve the process. Regularly repeating the analysis will help evaluate outcomes over time to help efforts toward equity.

Current inequities are from past discrimination, disinvestment, and disenfranchisement. Recognizing the history of racialized communities, other key communities, Whidbey Island, and Camano Island can highlight harms that need to be addressed, many of which affect mobility.

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# POLICY AND PROCESS REVIEW

# CURRENT POLICIES AND PROCESSES

The current policies, plans, guidelines, and standards within the IRTPO region were cataloged and reviewed to determine how roadway safety is currently prioritized and identify opportunities to improve how these processes can impact safety. See **Appendix F** for the full policy review. **TABLE 6** lists the existing documents that were reviewed.

**TABLE 6.** IRTPO REGION EXISTING POLICIES AND PLANS

| | DOCUMENT NAME | STATUS |
|---|---|---|
| **IRTPO** | | |
| 1 | Regional Transportation Plan | Adopted 2019 |
| 2 | IRTPO Unified Planning Work Program | Adopted 2023 |
| **ISLAND COUNTY** | | |
| 3 | Comprehensive Plan | Completed 2016, update scheduled for 2025 |
| 4 | Local Road Safety Plan | Completed March 2023 |
| 5 | Design Guidelines/Speed Limit Policy | 2024 Version |
| 6 | Non-Motorized Trails Plan | Completed 2018 |
| **COUPEVILLE** | | |
| 7 | Comprehensive Plan | Completed 2023, update scheduled for 2025 |
| 8 | Code of Ordinances | 2023 Version |
| **LANGLEY** | | |
| 9 | Comprehensive Plan | Completed 2018, amended in 2020, update scheduled for 2025 |
| 10 | Municipal Code/Complete Streets/Speed Limit Policy | 2022 Version |
| **OAK HARBOR** | | |
| 11 | Comprehensive Plan | Completed 2022, updated scheduled for 2025 |
| 12 | Capital Improvements Plan | Completed 2022 |
| 13 | Active Transportation Plan | Completed 2024 |
| 14 | Street Design Standards | 2023 Version |
| 15 | Parks, Recreation, and Open Space Plan | Completed 2019 |
| 16 | Impact Fee Ordinance | Completed 2022 |

# TYPES OF POLICIES AND POLICIES REVIEWED

The following types of plans related to roadway safety are currently in place within the IRTPO Region:

## COMPREHENSIVE PLANS:

A comprehensive plan is a long-term guiding document for the future growth and development of a city, town, or county. It outlines the community's vision for the future and establishes goals, policies, and objectives to guide decisions on land use, housing, transportation, economic development, environmental protection, and other key aspects of the built environment.

## LOCAL ROAD SAFETY PLANS:

A local road safety plan identifies, analyzes, and prioritizes safety improvements on local roadways. These plans focus on issues that are specific to the jurisdiction and allow for a more tailored approach to taking safety actions.

## MUNICIPAL CODE/DESIGN GUIDELINES:

Municipal code and design guidelines are regulatory tools used to shape the built environment and ensure that development aligns with a community's vision for its future.

## ACTIVE TRANSPORTATION PLANS (ATP):

An ATP is a blueprint for a community's active transportation future. It's a strategic document that lays out a vision, goals, and a detailed roadmap for creating a network of safe, accessible, and enjoyable walking, biking, rolling, and micro mobility infrastructure.

**TABLE 7** summarizes which jurisdictions have documents dedicated to the following transportation and planning elements: a comprehensive plan, a local road safety plan, municipal code/design guidelines, and an active transportation plan.

**TABLE 7.** INVENTORY SUMMARY OF RELEVANT POLICIES AND PLANS THAT INCLUDE SAFETY

| JURISDICTION | HAS POLICIES RELATED TO SAFETY IN COMPREHENSIVE PLAN | HAS A LOCAL ROAD SAFETY PLAN | HAS MUNICIPAL CODE/ DESIGN GUIDELINES THAT INCLUDE A SAFETY COMPONENT | HAS AN ACTIVE TRANSPORTATION PLAN |
|---|---|---|---|---|
| ISLAND COUNTY | ✓ | ✓ | ✓ | |
| COUPEVILLE | ✓ | | ✓ | |
| LANGLEY | ✓ | | ✓ | |
| OAK HARBOR | ✓ | | ✓ | ✓ |

**TABLE 8** summarizes the proposed non-infrastructure plans and policies to pursue. These projects aim to address the missing, incomplete, or outdated roadway safety plans and policies throughout the IRTPO region. The table includes the project number, name, and the USDOT Safe System Approach category it falls under.

**TABLE 8.** IRTPO PLANS AND POLICIES TO PURSUE

| PROJECT NUMBER | PROJECT NAME | SAFE SYSTEM APPROACH |
|---|---|---|
| NI-07 | Island County Safe Routes to School Plan | All |
| NI-09 | Island County Speed Limit Policy Implementation | Safer Speeds |
| NI-10 | Island County Complete Streets policy | All |
| NI-11 | Island County Active Transportation Plan | Safer People |
| NI-13 | Oak Harbor Citywide Posted Speed Limit Evaluation and Policy | Safer Speeds |

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# IRTPO REGION

# BACKGROUND

The IRTPO Region, located in Washington State, consists of Whidbey and Camano Islands, along with several smaller islands. The IRTPO's roadway network supports a mix of rural and suburban communities, with state highways and county roads serving as vital transportation links. Major routes include State Route 20 (SR 20), which runs the length of Whidbey Island, and State Route 525 (SR 525), connecting the Clinton Ferry Terminal to SR 20. On Camano Island, SR 532 serves as the primary connection to the mainland. These roadways are essential for residents, visitors, and commuters, particularly those traveling to the Seattle metropolitan area via ferry.

The county has a population of approximately 87,000, with a median age of 46.5 years, reflecting a higher proportion of older residents compared to the state average. This demographic trend influences roadway design and safety priorities, including the need for safer infrastructure for vulnerable road users. The road network experiences seasonal traffic surges during the summer, as tourists visit parks, beaches, and historical sites. Most roads are two-lane rural highways with narrow or no shoulders, presenting unique challenges for traffic safety and roadway maintenance.

The following section presents a comprehensive safety analysis based on the latest crash data. Key emphasis areas are identified by examining crash data trends. Additionally, public feedback on safety concerns and specific locations within the study area is gathered as part of the CSAP. Drawing on crash data trends, identified emphasis areas, and public input, recommendations for safety improvements are provided.

# CRASH DATA AND TRENDS

In the past five years, there was an average of 670 reported crashes that occurred on all roadways (local, county, and state roadways) in the IRTPO Region, 28 of which were fatal or serious injury crashes. **FIGURE 9** presents the summary of total crashes by fatal and serious injury crash types in the IRTPO Region over the five-year study period (2018-2022). During this period, the year 2020 had the lowest number of crashes, after which the number increased and then slightly decreased. The number of serious injury crashes continued to increase after 2020.

**FIGURE 9.** NUMBER OF FATAL AND SERIOUS INJURY CRASHES (2018-2022) IN THE IRTPO REGION

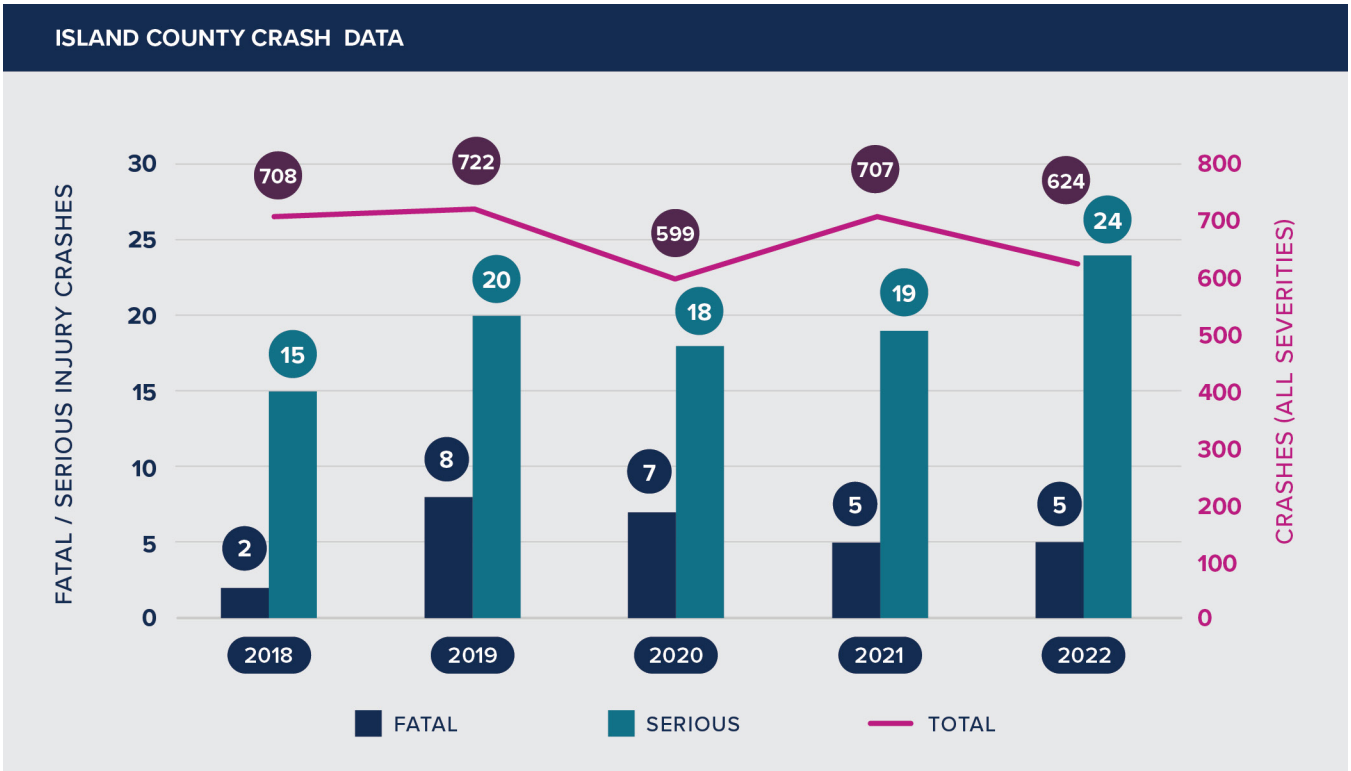



**FIGURE 10** presents the percentage distribution of fatal and serious injury crashes by crash type. Hit Fixed Object (40%) and Angle (27%) crashes are the two most common crash types, followed by Pedestrian Involved (7%) and Head-on (7%) crash types.

Hit Fixed Object crash types normally occur due to lane departure. Angle crashes are most common at signalized intersections, unsignalized intersections, and driveways.

**FIGURE 10.** PERCENTAGE DISTRIBUTION OF FATAL AND SERIOUS INJURY CRASHES (2018-2022) IN THE IRTPO REGION

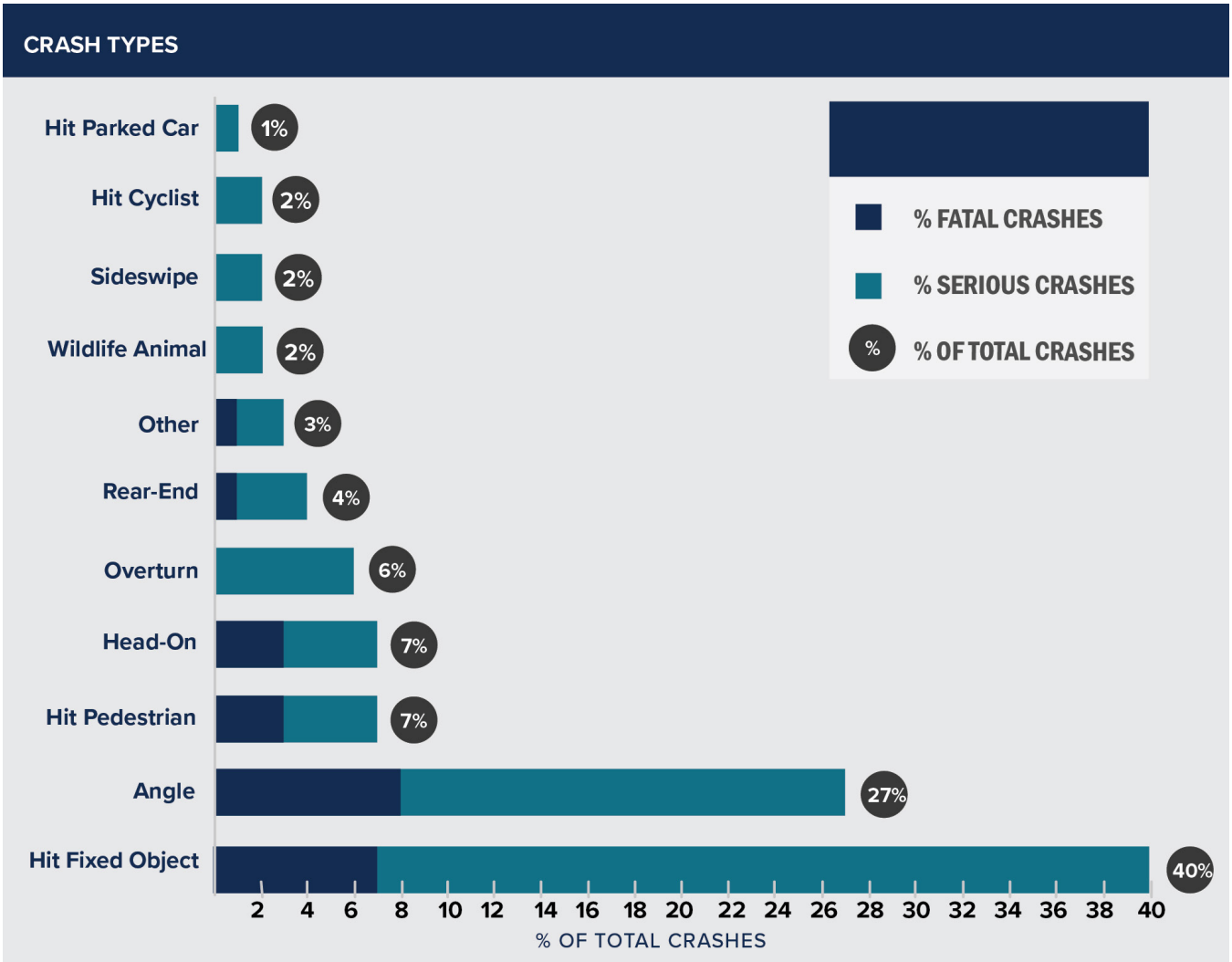



**FIGURE 11** illustrates geolocated fatal and serious injury crashes on all roadways in the IRTPO Region from 2018 to 2022. Fifty-two percent of these crashes occurred on County roads, while 37% occurred on State Routes, and 11% on city streets. Among the State Routes, SR 20 and SR 525 experienced most of the fatal and serious injury crashes, aligning with the results of the HIN. Additionally, several County roads, including Ault Field Road, West Crescent Harbor Road, NE Camano Drive, and West Camano Hill Road, had multiple fatal and serious injury crashes.

Also mapped in **FIGURE 11**, the High Injury Network (HIN) for all modes depicts segments of the roadway network with the highest densities of fatal and serious injury crashes. The HIN represents 3.6% of roadway miles in the IRTPO Region and contains 52% of all fatal and serious injury crashes.

**FIGURE 11.** LOCATION OF FATAL AND SERIOUS INJURY CRASHES IN THE IRTPO REGION

# EMPHASIS AREAS

Washington State's Safety Emphasis Areas are 11 specific focus areas identified in the Target Zero Plan, updated in 2024. These areas target high-priority issues related to traffic crashes and aim to reduce fatalities and serious injuries. They are designed to address the most significant causes of crashes in Washington and are aligned with national traffic safety goals. **TABLE 9** summarizes the total crashes, and fatal and serious injury crashes, categorized by emphasis areas.

**TABLE 9.** CRASHES BY EMPHASIS AREAS IN THE IRTPO REGION

| | EMPHASIS AREAS | TOTAL | % OF TOTAL CRASHES | FATAL AND SERIOUS INJURY CRASHES | % OF FATAL AND SERIOUS INJURY CRASHES** |
|---|---|---|---|---|---|
| | LANE DEPARTURE | 977 | 29% | 64 | **52%** |
| | INTERSECTION RELATED | 1,278 | 38% | 38 | 31% |
| | IMPAIRMENT INVOLVED | 276 | 8% | 36 | **29%** |
| | DISTRACTED ROAD USER | 848 | 25% | 34 | **28%** |
| | MOTORCYCLISTS | 101 | 3% | 29 | **24%** |
| | YOUNG DRIVER (16-25) INVOLVED | 1,164 | 35% | 30 | 24% |
| | OLDER DRIVERS (70+) INVOLVED | 562 | 17% | 23 | **19%** |
| | SPEEDING | 514 | 15% | 21 | **17%** |
| | UNRESTRAINED OCCUPANT | 65 | 2% | 16 | **13%** |
| | HEAVY VEHICLE INVOLVED | 96 | 3% | 3 | 2% |
| | ACTIVE TRANSPORTATION USERS | 24 | 1% | 0 | 0% |

** **##%** *indicates percentage of Fatal and Serious Injury crashes are higher than percentage of total crashes*

The emphasis area in the IRTPO Region with the highest percentage of fatal and serious injury crashes is lane departure crashes (52%), followed by intersection related, impairment, distraction, young driver involved, and motorcyclist involved crashes. **FIGURE 12** presents a summary of the emphasis areas with the highest safety concerns. Except intersections, all other emphasis areas have a higher percentage of fatal and serious injury crashes compared to the percentage of total crashes in the region.

**FIGURE 12** also provides additional information on overlapping emphasis areas for each of the top five emphasis areas. The lane departure fatal and serious injury crashes are found to have impaired and distracted drivers involved. The intersection fatal and serious injury crashes have young and older drivers involved. Around one-third of the fatal and serious injury crashes involving impaired driving are either unrestrained (vehicle occupant was not wearing a seatbelt) and/or speeding related. One-fourth of the distracted drivers are young drivers. One-fourth of the fatal and serious injury crashes involving motorists occur at intersection or are of lane departure crash type.

Identifying overlapping emphasis areas helps prioritize safety strategies that can significantly reduce fatal and serious injury crashes. For instance, a high percentage of young and older drivers involved in crashes at intersections highlights the need to focus on educating these drivers about navigating intersections effectively, either through training programs or targeted awareness campaigns.

## HIGH PRIORITY LOCATIONS IN THE IRTPO REGION

Identifying road segments and intersections with safety concerns is a key approach to addressing safety issues. Tackling these concerns helps target emphasis areas such as lane departure and intersection-related crashes. Methods like the High Injury Network, Systemic Safety Network, Vulnerable Road Users, and Equity Need are used to pinpoint locations with safety concerns. A scoring system evaluates all segments and intersections based on the HIN, SSN, and VRU methods, with total scores indicating the level of safety risk. Locations with higher scores are designated as prioritized segments or intersections. Chapter 6 details the scoring methodology used to identify these priority areas. **FIGURE 13** presents a map of segments and intersections with the priority levels.

From **FIGURE 13**, sections of SR 20 and SR 525 show up as high prioritized corridors. Among the County roads, Ault Field Road, Crescent Harbor Road, NE Camano Drive, E Camano Drive, SE Camano Drive and Elger Bay Road are high prioritized corridors. Within the various city's limits, NE Goldie Street, Whidbey Avenue, SR Barrington Drive, SW Erie Street, SW Bayshore Drive are some of the prioritized corridors in Oak Harbor.

A total of 110 intersections are prioritized with high level, the top three among these are SR 20 at SW Barrington Drive, SR 20 at Erie St in the City of Oak Harbor and SR 525 at Cameron Road. Another intersection of note identified on the high injury network was Double Bluff Road and State Route 525.

By combining high-priority locations with safety concerns highlighted by the public, a list of recommended safety improvements is developed. The following sections summarize public feedback and propose safety enhancements for all of Island County.

**FIGURE 12.** TOP FIVE EMPHASIS AREAS FOR THE IRTPO REGION

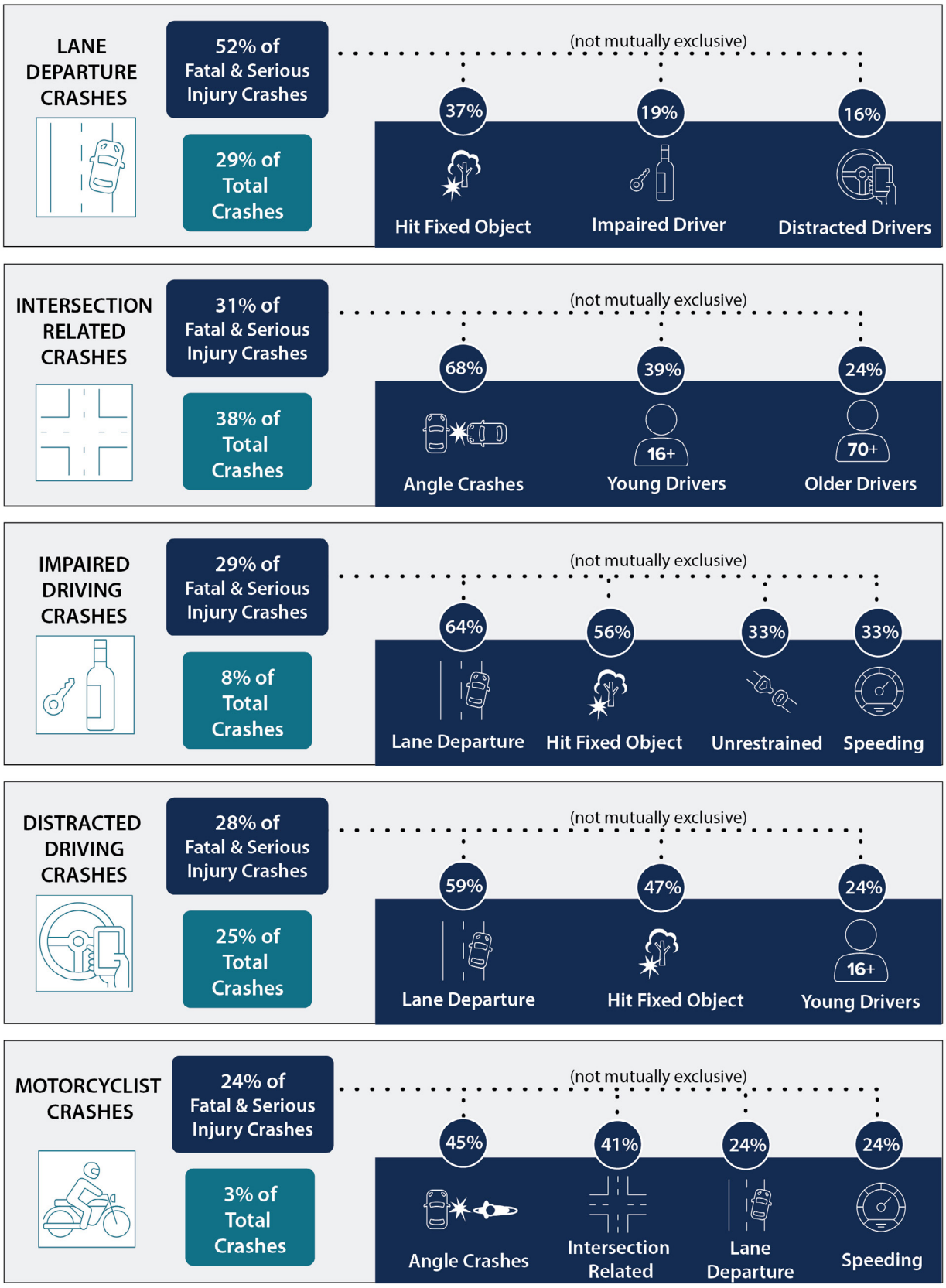
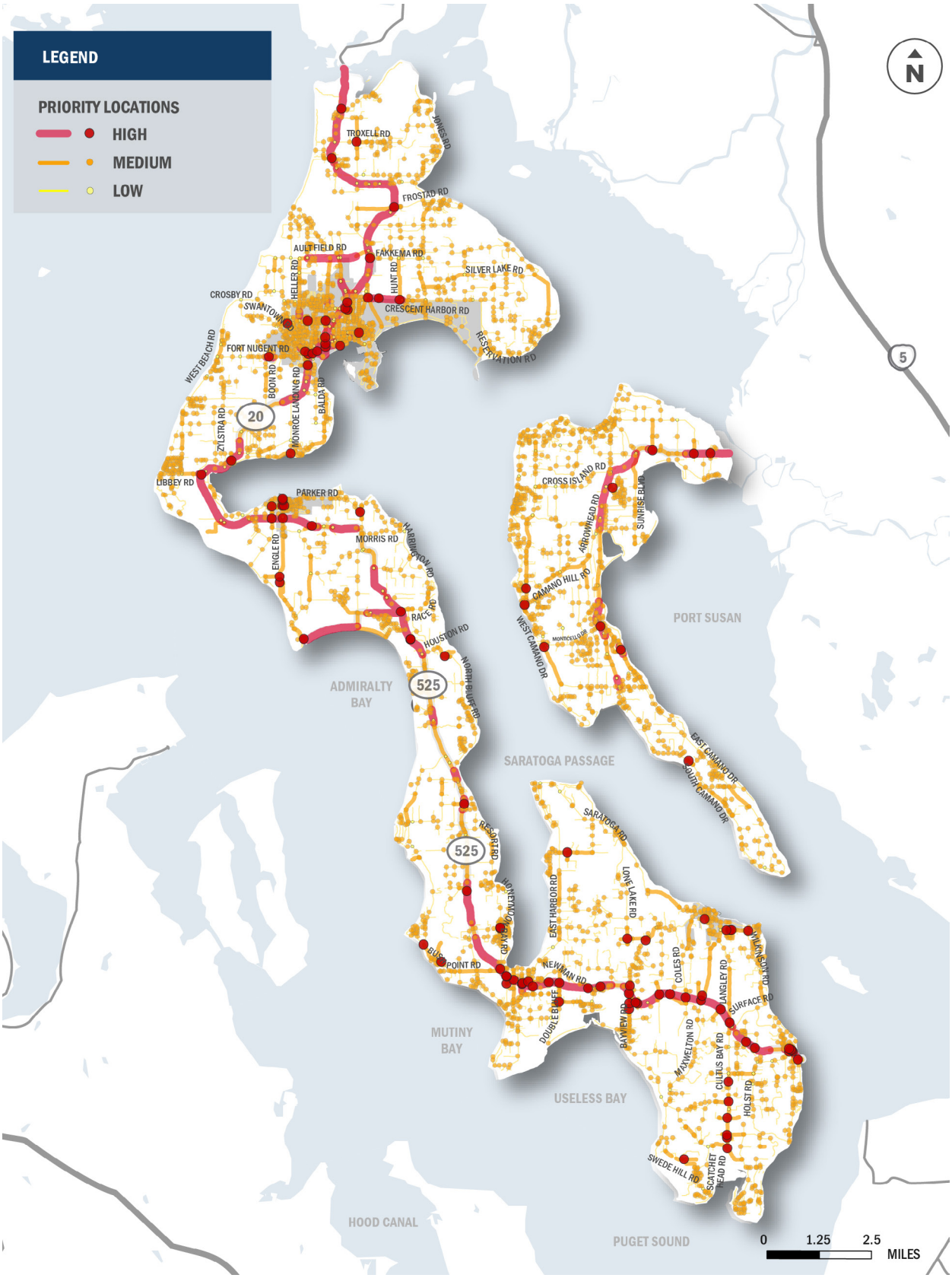


**FIGURE 13.** HIGH PRIORITY SEGMENTS AND INTERSECTIONS IN THE IRTPO REGION



# FEEDBACK FROM THE PUBLIC

The inclusion of all of IRTPO Region is vital to understanding the best solutions for improving safety in areas outside of the Town of Coupeville, the City of Langley, and the City of Oak Harbor. IRTPO Region includes Whidbey Island and Camano Island. Both islands have a significant portion of the population living in the areas of the IRTPO Region outside of the municipalities, including Tribal communities.

## WHIDBEY ISLAND

Nearly half (47%) of the survey respondents said they lived in areas of Whidbey Island outside of the municipalities. Throughout the engagement process, community members from all over Whidbey Island provided valuable feedback on their safety concerns, including specific locations and ideas for improvements.

### SAFETY CONCERNS

Community members in Whidbey Island expressed concerns about:

- Speeding vehicles, especially within five miles of the ferry, safer speed limits, and more speed limit enforcement
- Unsafe pedestrian infrastructure such as missing, incomplete, or damaged sidewalk and sidewalk networks
- Drivers using the shoulders to pass, especially as many community members mentioned pedestrians and bicyclists using the shoulders on roads without pedestrian or bicyclist infrastructure
- Chip seal on the roadway shoulders coming off the pavement and injuring bicyclists while they ride

### LOCATIONS OF CONCERN

Many community members from Whidbey Island shared concerns about specific locations they found to be concerning. The locations mentioned the most were:

- Segments along Highway 20 and Highway 525
- Several intersections with Highway 20 and Highway 525
- Libbey Road
- Regatta Drive
- Engle Road
- Bush Point Road
- Bayview Road

### IDEAS FOR SAFETY IMPROVEMENTS

Community members from Whidbey Island shared some of their own ideas to improve roadway safety in their neighborhoods. The most common ideas shared with the project team were:

- Safer speed limit, more speed limit enforcement, and consideration of speed limit reduction
- Implementing neighborhood traffic circles and roundabouts at appropriate intersections
- Improving pedestrian facilities such as extending sidewalk networks, widening narrow sidewalks, and constructing new sidewalks
- Improving bicycle facilities such as implementing more bike lanes, connecting the existing network, and constructing multi-use trails
- Widening shoulders where possible throughout all of Whidbey Island

# CAMANO ISLAND

Ten percent of the survey respondents said they lived in Camano Island. Throughout the engagement process, community members from Camano Island provided valuable feedback on their safety concerns, including specific locations and ideas for improvements.

## SAFETY CONCERNS

Community members in Camano Island expressed concerns about the following issues:

- Speeding vehicles
- Driving the narrow, winding, and poorly lit roads with steep ditches, especially the senior population on Camano Island
- Unsafe passing by drivers, especially using the roadway shoulders. Many pedestrians and bicyclists use road shoulder in areas without pedestrian and bicyclist infrastructure
- Crashing into wildlife
- Chip seal on the roadway shoulders coming off the pavement and injuring bicyclists while they ride

## LOCATIONS OF CONCERN

Many community members from Camano Island shared concerns about specific locations they found to be concerning. The locations mentioned the most were:

- South Camano Drive (particularly between Shumway Road and Monticello Drive, Monticello Drive and Cascade View Drive)
- Southeast Camano Drive (particularly between Broadmoor Road and Shady Lane, West Camano Hill Road and Monticello Drive)
- Utsalady Road
- Country Club Drive
- Monticello Drive
- Elger Bay Road
- Highway 532
- North Sunrise Boulevard

## IDEAS FOR SAFETY IMPROVEMENTS

Community members from Camano Island shared some of their own ideas to improve roadway safety in their neighborhoods. The most common ideas shared with the project team were:

- Safer speed limit, more speed limit enforcement, consistent speed limits, and consideration of speed limit reduction
- Improving roadway lighting
- Improving pedestrian facilities such as extending sidewalk networks, widening narrow sidewalks, and constructing new sidewalks
- Improving bicycle facilities such as implementing more bike lanes, connecting the existing network, constructing multi-use trails, and improving bicycle signage and roadway striping
- Widening shoulders where possible
- Updating and limiting passing lanes
- Improving pavement markings, especially turn lane pavement markings throughout Camano Island

The locations with safety concerns and a list of proposed safety improvements were used to identify potential projects throughout Island County, as described in the next section.

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# UNINCORPORATED ISLAND COUNTY

# POTENTIAL RECOMMENDATIONS

The following tables highlight the potential projects identified by Island County, IRTPO, and WSDOT. The tables separate infrastructure-based projects (IB) and non-infrastructure-based (NI) projects. See Chapter 12 for the full list of projects with descriptions. The order of appearance does not indicate prioritization order of the project.

**TABLE 10.** ISLAND COUNTY PROPOSED NON-INFRASTRUCTURE (NI) PROJECTS

| PROJECT NUMBER | PROJECT NAME | EMPHASIS AREAS | SAFE SYSTEM APPROACH |
|---|---|---|---|
| **NI-01** | Neighborhood Safety Organization Program | All | Safer People |
| **NI-03** | Improve coordination between Island County Public Works and Public Health | All | Safer Roads |
| **NI-04** | Improve coordination between Island County and EMS | All | Safer Post Crash Care |
| **NI-05** | Neighborhood Traffic Management Program | Speeding | All |
| **NI-06** | Additional Driver's Education programs | Young Drivers | Safer People |
| **NI-07** | Safe Routes to School Plan | Active Transportation | All |
| **NI-08** | Emergency vehicle operator course | All | Safer Post Crash Care |
| **NI-09** | Countywide Speed Limit Policy Implementation | Speeding | Safer Speeds |
| **NI-10** | Complete Streets policy | All | All |
| **NI-11** | Active Transportation Plan | Active Transportation | Safer People |
| **NI-16** | Countywide speed feedback signs | Speeding | Safer People |
| **NI-17** | Intersection Traffic Studies (including, but not limited to, SR 525 & Double Bluff Road) | Intersection | Safer Roads |

**TABLE 11.** ISLAND COUNTY PROPOSED INFRASTRUCTURE (IB) PROJECTS

| PROJECT NUMBER | PROJECT NAME | EMPHASIS AREAS | SAFE SYSTEM APPROACH |
|---|---|---|---|
| **IB-06** | Dedicated Multi-Use Trail on SR 525 from Clinton Ferry to Ken's Korner | Active Transportation | Safer People |
| **IB-07** | Northeast Camano Dr and East Cross Island Rd Roundabout | Intersection | Safer Roads |
| **IB-08** | Northeast Camano Dr and Mc Elroy Dr Roundabout | Intersection | Safer Roads |
| **IB-09** | Widen Shoulders on SR 20 from Race Rd to Welcher Rd | Lane Departure | Safer Roads |
| **IB-21** | Bush Point Rd at Honeymoon Bay Intersection Safety | Intersection | Safer Roads, Safer Speeds |

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# TOWN OF COUPEVILLE

# BACKGROUND

Coupeville is a small, historic waterfront town located on the central part of Whidbey Island within Island County and Washington State. Today it is primarily a residential community and serves as the commercial center for central Whidbey.[1] SR 20 is the major route which provides access to the town via Main Street.

As of 2022, Coupeville has an estimated population of 1,965 people, approximately 2.3% of Island County population. The median age is 63.6, which is nearly 20 years older than the median age in Island County and 25 years older than the median age in Washington State.

The Town is committed to improving the transportation system within its community to provide safer roads for all roadway users. Its 2023-2045 Comprehensive Plan provides a detailed list of goals and policies toward transportation elements like roadway mobility and accessibility needs, and improvements necessary to enhance safety, bicycle and pedestrian facilities, and public transit.

1 Coupeville-Comprehensive-Plan: https://townofcoupeville.org/wp-content/uploads/2023/11/Coupeville-Comprehensive-Plan_Volume-I-Plan_FINAL_23-1110.pdf

# CRASH DATA AND TRENDS

Between the years 2018 and 2022, there were 39 total crashes on all roadways within the Town of Coupeville, which is 1 percent of the IRTPO Region. There were no fatal crashes, but one serious injury crash occurred. **FIGURE 14** presents the summary of crashes by year (2018-2022). After 2019, there was a decrease in total number of crashes.

**FIGURE 14.** NUMBER OF FATAL AND SERIOUS INJURY CRASHES (2018-2022) IN THE TOWN OF COUPEVILLE

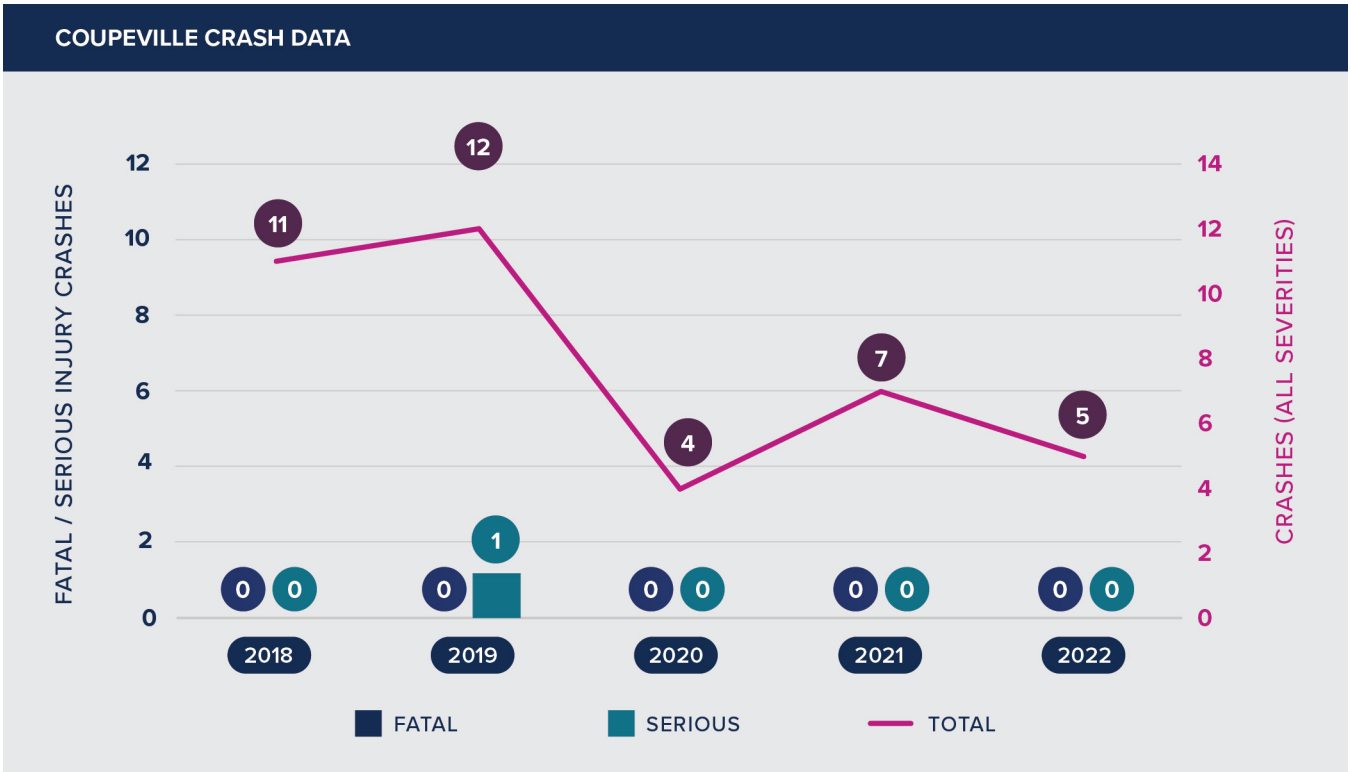
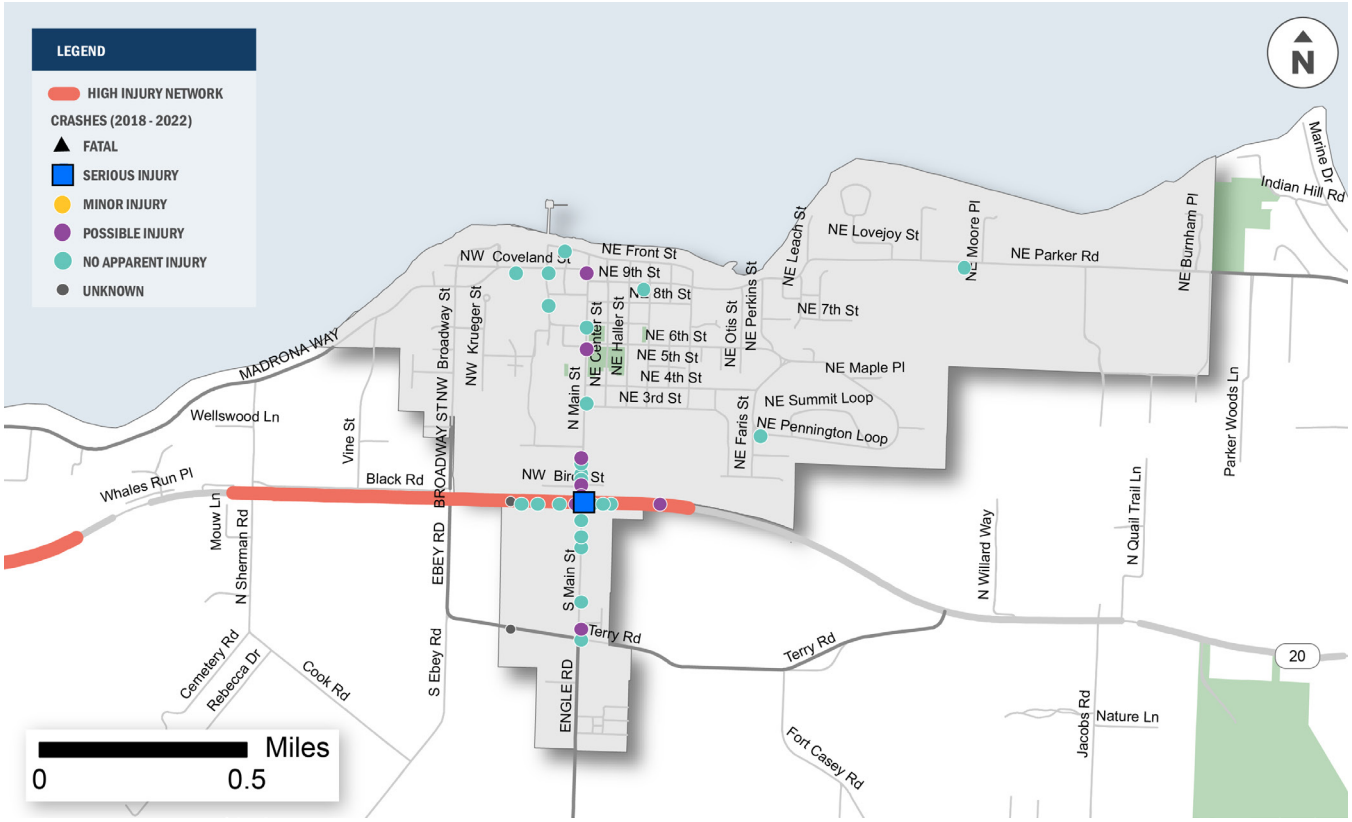



**FIGURE 15** presents the crashes from 2018 to 2022 by severity type in the Town of Coupeville. One seriously injured crash occurred at the intersection of SR 20 and Main Street. The most common crash types are end (33%) and angle (26%) types.

Forty-six percent of the crashes occurred on Main Street (north and south). There were 13 intersection related crashes in the Town of Coupeville, of which 6 crashes occurred at the intersection of SR 20 and Main Street. This intersection had angle and rear-end type crashes. One pedestrian crash occurred at the intersection of N Main Street and NE 6th Street.

**FIGURE 15.** CRASHES BY SEVERITY IN THE TOWN OF COUPEVILLE



# EMPHASIS AREAS

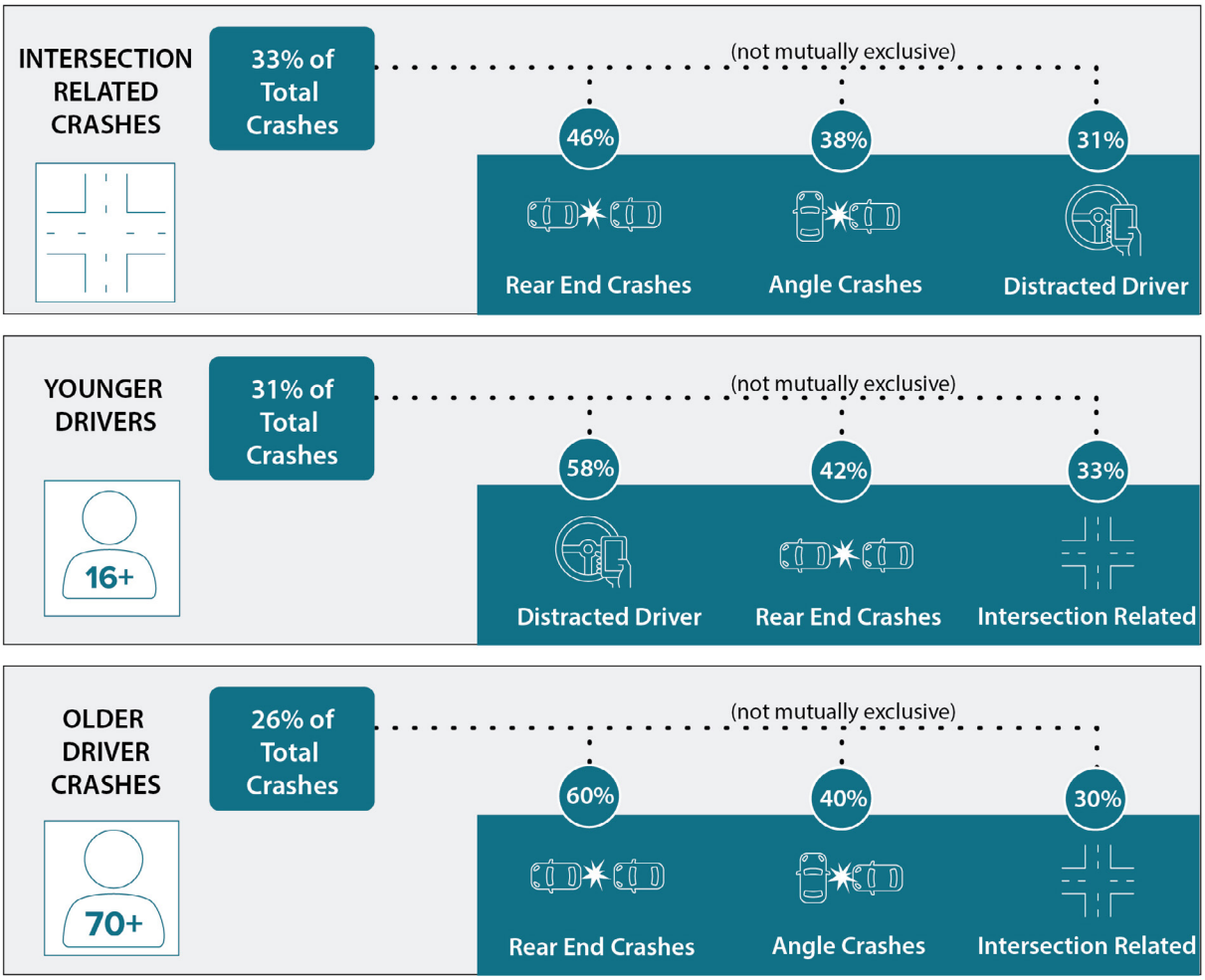
**TABLE 12** provides a summary of total and fatal and serious injury crashes categorized by emphasis areas. This analysis is based on the eleven emphasis areas defined in the Washington State Target Zero Plan (Strategic Highway Safety Plan). By analyzing the percentage distribution of total crashes, the top three emphasis areas specific to the Town of Coupeville are identified.

**TABLE 12.** CRASHES BY EMPHASIS AREAS IN TOWN OF COUPEVILLE

| | EMPHASIS AREAS | TOTAL | % OF TOTAL CRASHES | FATAL AND SERIOUS INJURY CRASHES |
|---|---|---|---|---|
| | INTERSECTION RELATED | 13 | 33% | 1 |
| | YOUNG DRIVER (16-25) INVOLVED | 12 | 31% | 0 |
| | DISTRACTED ROAD USER | 10 | 26% | 0 |
| | OLDER DRIVERS (70+) INVOLVED | 10 | 26% | 0 |
| | LANE DEPARTURE | 4 | 10% | 0 |
| | SPEEDING | 2 | 5% | 0 |
| | HEAVY VEHICLE INVOLVED | 2 | 5% | 0 |
| | IMPAIRMENT INVOLVED | 1 | 3% | 0 |
| | ACTIVE TRANSPORTATION USERS | 1 | 3% | 0 |
| | UNRESTRAINED OCCUPANT | 0 | 0% | 0 |
| | MOTORCYCLISTS | 0 | 0% | 0 |

Older drivers, young drivers, and intersections are the top three emphasis areas identified in the Town Coupeville, as described in **FIGURE 16**. Overall, young drivers are involved in crashes at intersections and are found to be distracted. The older drivers are involved in intersection related crashes.

**FIGURE 16.** TOP EMPHASIS AREAS IN THE TOWN OF COUPEVILLE



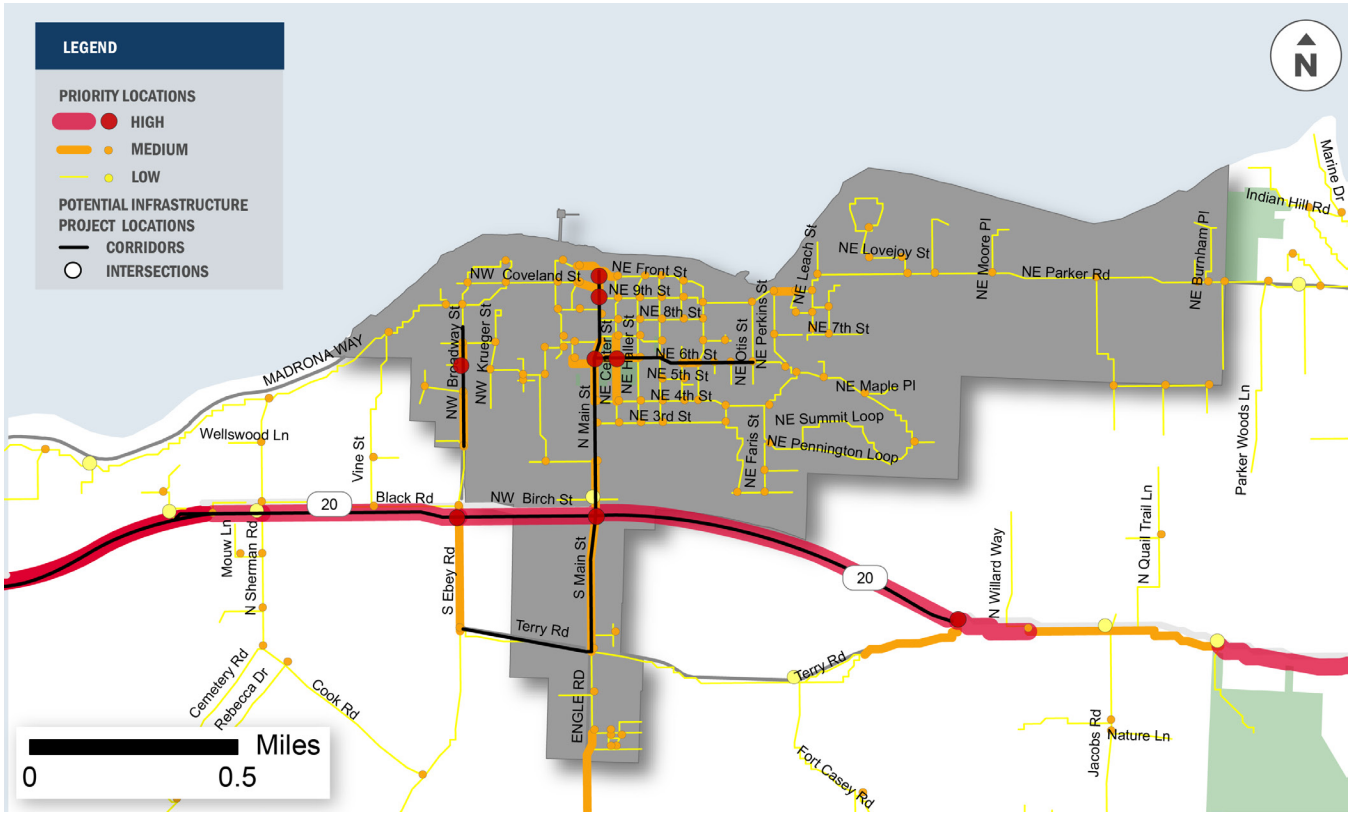
# HIGH PRIORITY LOCATIONS IN THE TOWN OF COUPEVILLE

**FIGURE 17** presents the segments and intersections prioritized by “low”, “medium,” and “high” in the Town of Coupeville. The high priority corridors with crashes are SR 20, Main Street and NW 6th Street.

The top priority intersections with crashes are along Main Street at SR 20, NW 6th Street and NW Coveland Street.

A list of proposed safety improvement projects are identified by merging high-priority locations and public safety concern information. The following sections outlines public feedback and potential projects for the Town of Coupeville.

**FIGURE 17.** HIGH PRIORITY SEGMENTS AND INTERSECTIONS IN THE TOWN OF COUPEVILLE



# FEEDBACK FROM THE PUBLIC IN THE TOWN OF COUPEVILLE

Eleven percent of the survey respondents said they lived in the Town of Coupeville. Throughout the engagement process, community members from Coupeville provided valuable feedback on their safety concerns, including specific locations and ideas for improvements.

## SAFETY CONCERNS

Community members in the Town of Coupeville expressed concerns about:

- Speeding vehicles
- Distracted drivers, especially by cell phone use
- Unsafe intersections and pedestrian crossings
- Unsafe pedestrian infrastructure such as missing, incomplete, or damaged sidewalk and sidewalk networks
- Drivers using the shoulders to pass, especially as many community members mentioned pedestrians and bicyclists using the shoulders on roads without pedestrian or bicyclist infrastructure
- Chip seal on the roadway shoulders coming off the pavement and injuring bicyclists while they ride

## LOCATIONS OF CONCERN

Many community members from the Town of Coupeville shared concerns about specific locations they found to be concerning. The locations mentioned the most were:

- Engle Road
- Highway 20
- Main Street
- Ebey Road
- Smuggler's Cove Road
- Libbey Road
- Deception Pass
- Keystone Hill Road

## IDEAS FOR SAFETY IMPROVEMENTS

Community members from the Town of Coupeville shared some of their own ideas to improve roadway safety in their neighborhoods. The most common ideas shared with the project team were:

- Safer and consistent speed limits, more speed limit enforcement, and consideration of speed limit reduction
- Improving roadway lighting
- Implementing neighborhood traffic circles and roundabouts at appropriate intersections
- Improving pedestrian facilities such as extending sidewalk networks, widening narrow sidewalks, and constructing new sidewalks
- Improving bicycle facilities such as implementing more bike lanes, connecting the existing network, and constructing multi-use trails and shared use paths
- Widening shoulders where possible
- Improving signage and pavement markings for bicycle facilities

# POTENTIAL RECOMMENDATIONS

The following tables highlight the proposed projects identified by the Town of Coupeville. The tables separate proposed infrastructure-based (IB) projects and non-infrastructure-based (NI) projects. See Chapter 12 for the full list of projects with descriptions. The order of appearance does not indicate prioritization order of the project.

**TABLE 13.** TOWN OF COUPEVILLE PROPOSED NON-INFRASTRUCTURE PROJECTS

| PROJECT NUMBER | PROJECT NAME | EMPHASIS AREAS | SAFE SYSTEM APPROACH |
|---|---|---|---|
| **NI-02** | Updated Crosswalk Markings Townwide and add ADA Ramp Pads | Active Transportation | Safer Roads |

**TABLE 14.** TOWN OF COUPEVILLE PROPOSED INFRASTRUCTURE PROJECTS

| PROJECT NUMBER | PROJECT NAME | EMPHASIS AREAS | SAFE SYSTEM APPROACH |
|---|---|---|---|
| **IB-01** | Main St Corridor Improvements | Active Transportation | Safer People |
| **IB-02** | Terry Road Pedestrian Improvements | Active Transportation | Safer People |
| **IB-03** | NE 6th St Shoulder Access | Active Transportation | Safer Roads |
| **IB-04** | Broadway Neighborhood Greenway | Active Transportation | Safer Roads, Safer Speeds, Safer People |
| **IB-05** | Cedar Hollow Lane to Terry intersection improvements along SR 20 corridor | Intersection | Safer Roads |

IRTPO
COMPREHENSIVE
SAFETY ACTION PLAN

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# CITY OF LANGLEY

# BACKGROUND

Langley preserves its quaint historic charm and distinct character, defined by the blend of stunning natural landscapes and appealing architecture. This unique combination has earned it the nickname "Village by the Sea." The City remains a lively, artistic, and walkable community that fosters social and cultural ties among residents and visitors alike. As a result of these qualities, Langley serves as the artistic, cultural, retail, and entertainment hub for South Whidbey, drawing in tourists, retirees, businesses, and new families.[1]

State Route 525 is the main arterial road connecting Langley to other parts of Whidbey Island and the mainland. Langley Road, Bayview Road, and Coles Road connect the City to SR 525.

Its population was reported 1,147 in 2020, approximately 1.4 percent of Island County population. The median age is 69.6, which is 25 years older than the average age in Island County and 30 years older than the average age in Washington State.

1 City of Langley Comprehensive Plan: https://cms4files1.revize.com/langleywashington/Consolidated%20Comp%20Plan%202020.pdf

# CRASH DATA AND TRENDS

**FIGURE 18** presents the trend of crashes from 2018 to 2022 in the City of Langley. There were 8 total crashes with no fatal and serious injury crashes during the study period. Half of the crashes were due to hitting a parked car and three were due to hitting a fixed object. Most of these crashes were of lane departure type.

**FIGURE 19** presents the crash by severity type in the City of Langley. All eight crashes are of no-injury type. A cluster of 4 crashes is seen near the shore at the intersections of Cascade Avenue and 1st/2nd Street.

**FIGURE 18.** NUMBER OF FATAL AND SERIOUS INJURY CRASHES (2018-2022) IN THE CITY OF LANGLEY

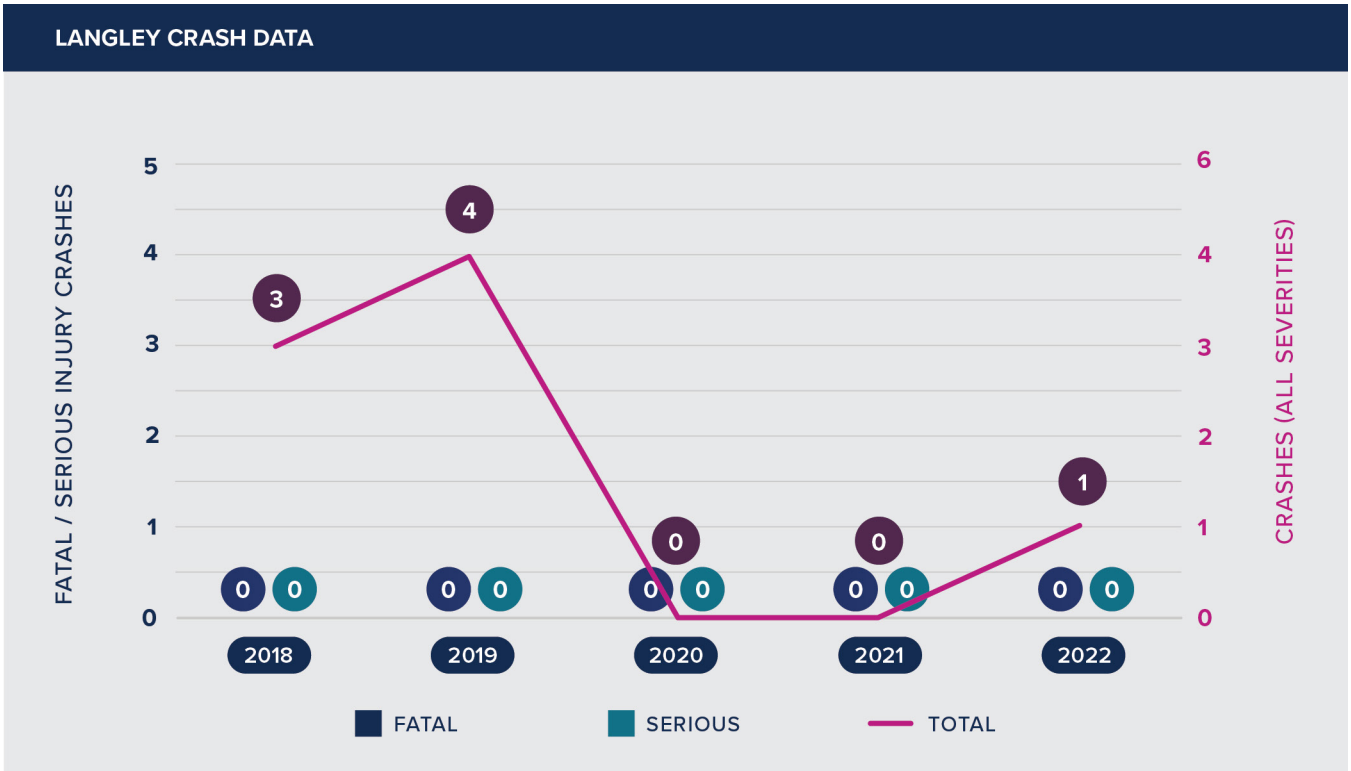
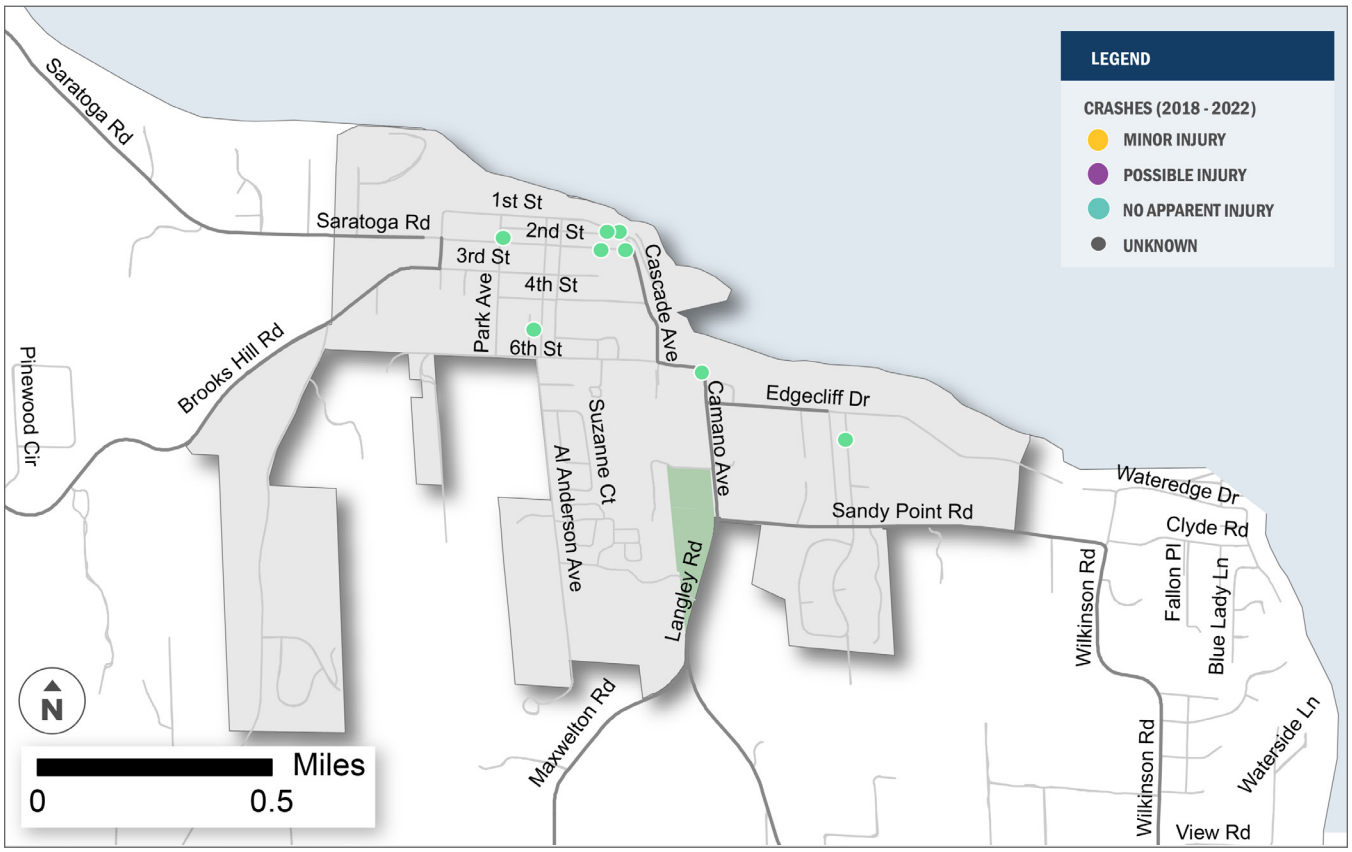


**FIGURE 19.** CRASHES BY SEVERITY IN THE CITY OF LANGLEY



# EMPHASIS AREAS

There are eleven emphasis areas outlined in the Washington State Target Zero Plan (Strategic Highway Safety Plan). **TABLE 15** presents the summary of crashes, and its percentage distribution for these eleven emphasis areas. By examining the percentage distribution of total crashes, the top two emphasis areas are identified.

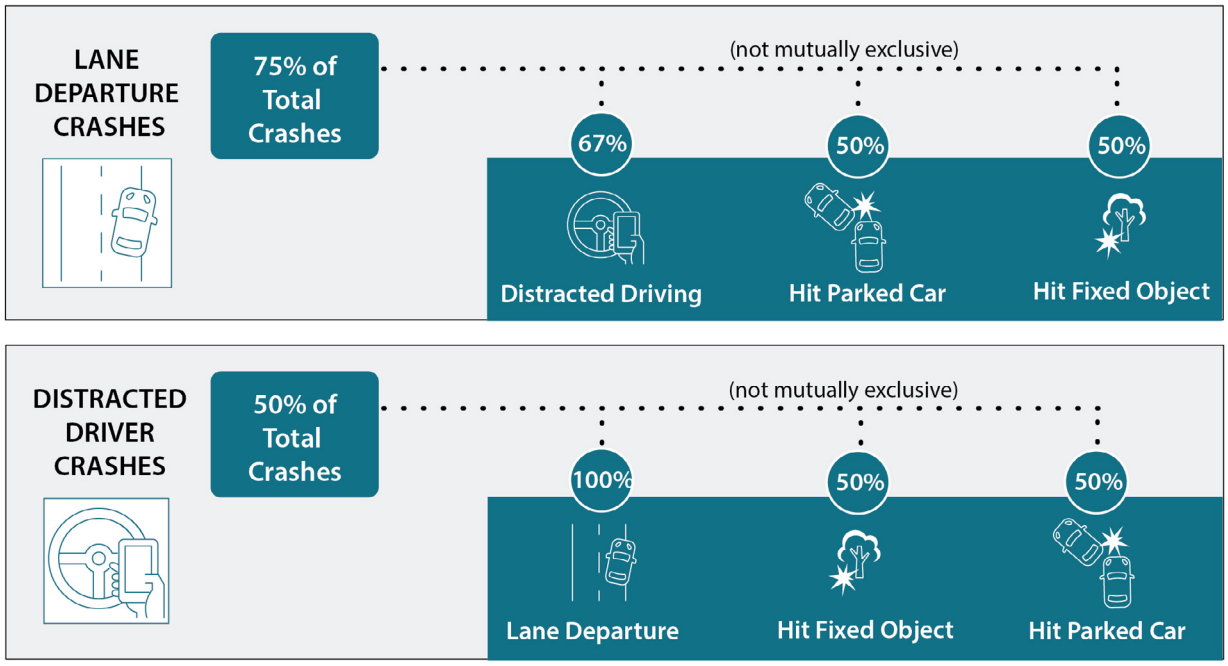
**TABLE 15.** CRASHES BY EMPHASIS AREAS IN THE CITY OF LANGLEY

| | EMPHASIS AREAS | TOTAL | % OF TOTAL CRASHES |
|---|---|---|---|
| | LANE DEPARTURE | 6 | 75% |
| | DISTRACTED ROAD USER | 4 | 50% |
| | OLDER DRIVERS (70+) INVOLVED | 2 | 25% |
| | HEAVY VEHICLE INVOLVED | 1 | 13% |
| | YOUNG DRIVER (16-25) INVOLVED* | 1 | 13% |
| | INTERSECTION RELATED | 1 | 13% |
| | IMPAIRMENT INVOLVED | 0 | 0% |
| | SPEEDING | 0 | 0% |
| | ACTIVE TRANSPORTATION USERS | 0 | 0% |
| | UNRESTRAINED OCCUPANT | 0 | 0% |
| | MOTORCYCLISTS | 0 | 0% |

The emphasis areas with the highest number of identified crashes are distracted drivers and lane departure. From **FIGURE 20**, the lane departure crashes that hit a car or a fixed object were due to distracted driving.

In addition, high priority locations are identified using the methodology discussed in Chapter 4.

**FIGURE 20.** TOP EMPHASIS AREAS IN THE CITY OF LANGLEY

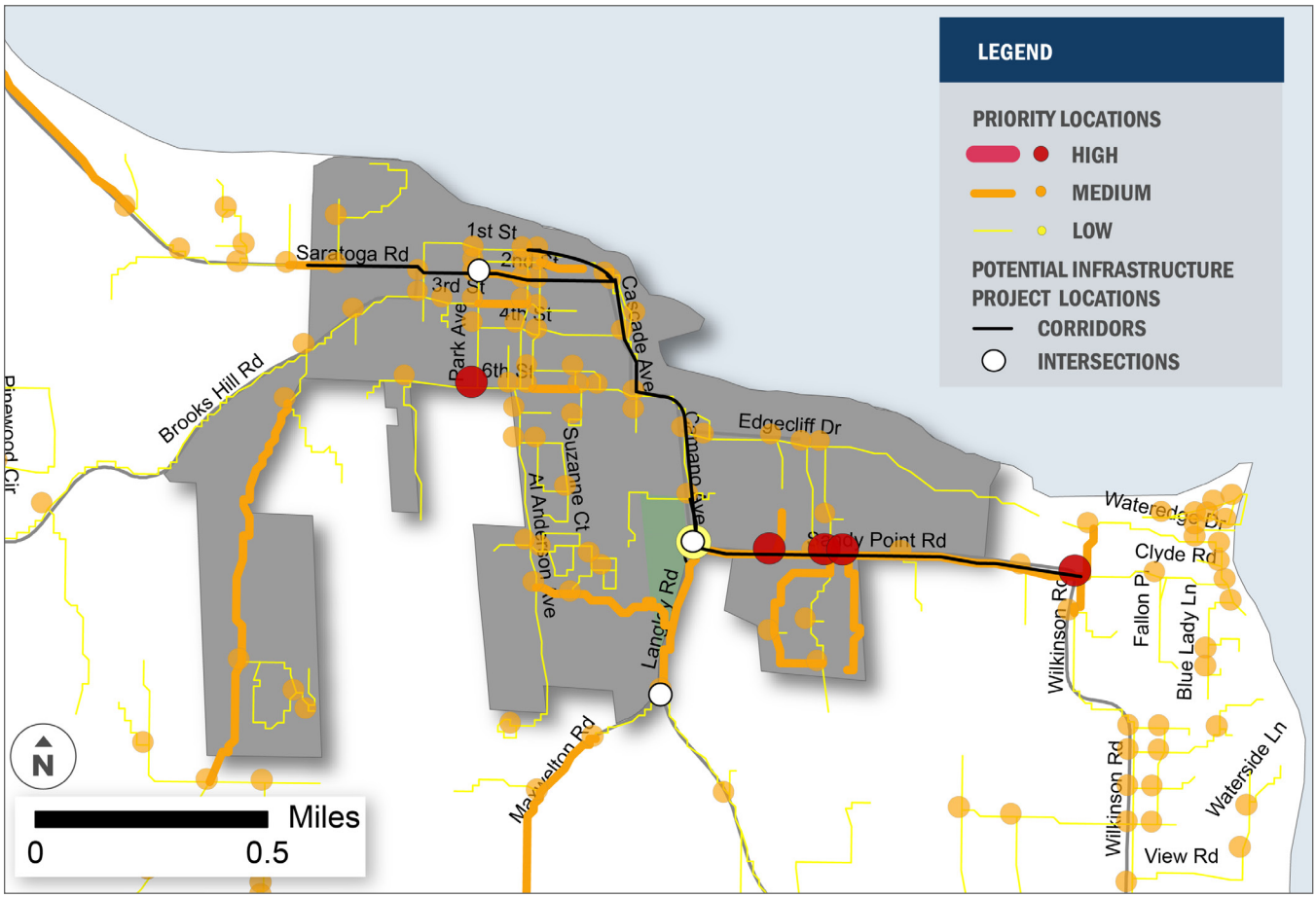


# HIGH PRIORITY LOCATIONS IN THE CITY OF LANGLEY

**FIGURE 21** presents the segments and intersections prioritized by "low," "medium," and "high" in the City of Langley. Looking at just the City of Langley, some of the high priority segments identified overlap with the public concerns provided during the engagement process for example the 6th Street and Saratoga Road. Other high priority segments are Fairgrounds Road, 2nd Street, 3rd Street. The intersection of 6th Street and Park Avenue is the one identified as top priority.

A list of proposed safety enhancements is developed by combining high-priority locations with public safety concerns. The following sections summarize public input and suggest projects for the City of Langley.

**FIGURE 21.** HIGH PRIORITY SEGMENTS AND INTERSECTIONS ALONG WITH PROPOSED PROJECTS IN THE CITY OF LANGLEY



# FEEDBACK FROM THE PUBLIC IN THE CITY OF LANGLEY

Sixteen percent of the survey respondents said they lived in the City of Langley. Throughout the engagement process, community members from Langley provided valuable feedback on their safety concerns, including specific locations and ideas for improvements.

## SAFETY CONCERNS

Community members in the City of Langley expressed concerns about:

- Speeding vehicles
- Distracted driving
- Aggressive driving, including tailgating
- Unsafe pedestrian crossings
- Drivers using the shoulders to pass, especially as many community members mentioned pedestrians and bicyclists using the shoulders on roads without pedestrian or bicyclist infrastructure
- Narrow roads and roads with poor visibility due to the roadway alignment

## LOCATIONS OF CONCERN

Many community members, including law enforcement, from the City of Langley shared concerns about specific locations they found to be concerning. The locations mentioned the most were:

- Highway 525
- Langley Road
- Kramer Road
- Maxwelton Road
- Saratoga Road
- 6th Street
- Cascade Drive
- Coles Road
- Double Bluff Road
- Bayview Road

It should be noted that most of the roads mentioned by community members in the City of Langley are outside of the city limits. Parts of Saratoga Road, Cascade Drive, and Coles Road are within the city limits.

## IDEAS FOR SAFETY IMPROVEMENTS

Community members from the City of Langley shared some of their own ideas to improve roadway safety in their neighborhoods. The most common ideas shared with the project team were:

- Safer and consistent speed limits, more speed limit enforcement and speed feedback technology, and consideration of speed limit reduction
- Implementing neighborhood traffic circles and roundabouts at appropriate intersections
- Improving pedestrian facilities such as extending sidewalk networks, widening narrow sidewalks, and constructing new sidewalks, walkways, shared use paths, and multi-use paths
- Improving bicycle facilities such as implementing more bike lanes, connecting the existing network, and constructing multi-use trails and shared use paths
- Improve signage and pavement markings for bicycle facilities

# POTENTIAL RECOMMENDATIONS

The following table highlights the proposed projects identified by the City of Langley. See Chapter 12 for the full list of projects with descriptions. The order of appearance does not indicate prioritization order of the project.

**TABLE 16.** CITY OF LANGLEY PROPOSED INFRASTRUCTURE PROJECTS

| PROJECT NUMBER | PROJECT NAME | EMPHASIS AREAS | SAFE SYSTEM APPROACH |
|---|---|---|---|
| **IB-11** | Second St & Park Ave Intersection All Way Stop Control Conversion | Intersection | Safer Roads |
| **IB-12** | Saratoga and 2nd Gateway | Speeding | Safer Roads, Safer Speeds |
| **IB-13** | 1st St Gateway | Intersection | Safer Roads |
| **IB-14** | Sandy Point Rd Traffic Calming | Active Transportation | Safer Roads, Safer Speeds |
| **IB-15** | Camano Ave/Langley Rd/Sandy Point Rd Intersection Improvement | Intersection | Safer Roads |

The following **TABLE 17** provides the additional infrastructure projects that may be considered.

**TABLE 17.** CITY OF LANGLEY ADDITIONAL INFRASTRUCTURE PROJECTS TO CONSIDER

| PROJECT NAME | DESCRIPTION | EMPHASIS AREAS | SAFE SYSTEM APPROACH |
|---|---|---|---|
| **CAMANO AVE SIGHT LINES (CAMANO AVE FROM CASCADE AVE TO SANDY POINT RD)** | Along Camano Ave from Cascade Ave to Sandy Point Rd: Maintain vegetation to keep good sight distance lines around curves and intersections (North of Edgecliff Drive). | Intersection | Safer Roads |
| **LANGLEY RD AND MAXWELTON ROUNDABOUT** | Build a roundabout at Langley Rd and Maxwelton Rd. | Intersection | Safer Roads |

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# CITY OF OAK HARBOR

# BACKGROUND

Oak Harbor is a city located on Whidbey Island and is the largest municipality in the IRTPO region by population. Oak Harbor is known for its scenic waterfront, small-town charm, and strong military presence. State Route 20 (SR 20) runs through Oak Harbor, dividing the town into distinct east and west sections, each with its own character. The majority of the city's commercial services are situated along this highway, serving not only Oak Harbor but also the northern and central parts of Whidbey Island.[1]

The City of Oak Harbor had a population of 24,016 people in 2023, accounting for 28% of the population in Island County. The median population age is 31.8, which is 13 years younger compared to the average age in Island County and 8 years younger than the average age in Washington State.

1 City of Oak Harbor Comprehensive Plan: https://www.oakharbor.gov/ImageRepository/Document?documentId=1273

# CRASH DATA AND TRENDS

**FIGURE 22** presents a summary of crashes that occurred on all roadways in the City of Oak Harbor from 2018 to 2022. Oak Harbor experienced 988 crashes for the five-year study period, averaging around 198 crashes per year. In 2020, the City of Oak Harbor experienced 159 crashes, which was the lowest number of yearly crashes in the study period. While yearly crashes were roughly steady during the study period, the combined number of fatal and serious crashes was steady in the first four years but suddenly increased in 2022.

**FIGURE 22.** NUMBER OF FATAL AND SERIOUS INJURY CRASHES (2018-2022) IN THE CITY OF OAK HARBOR

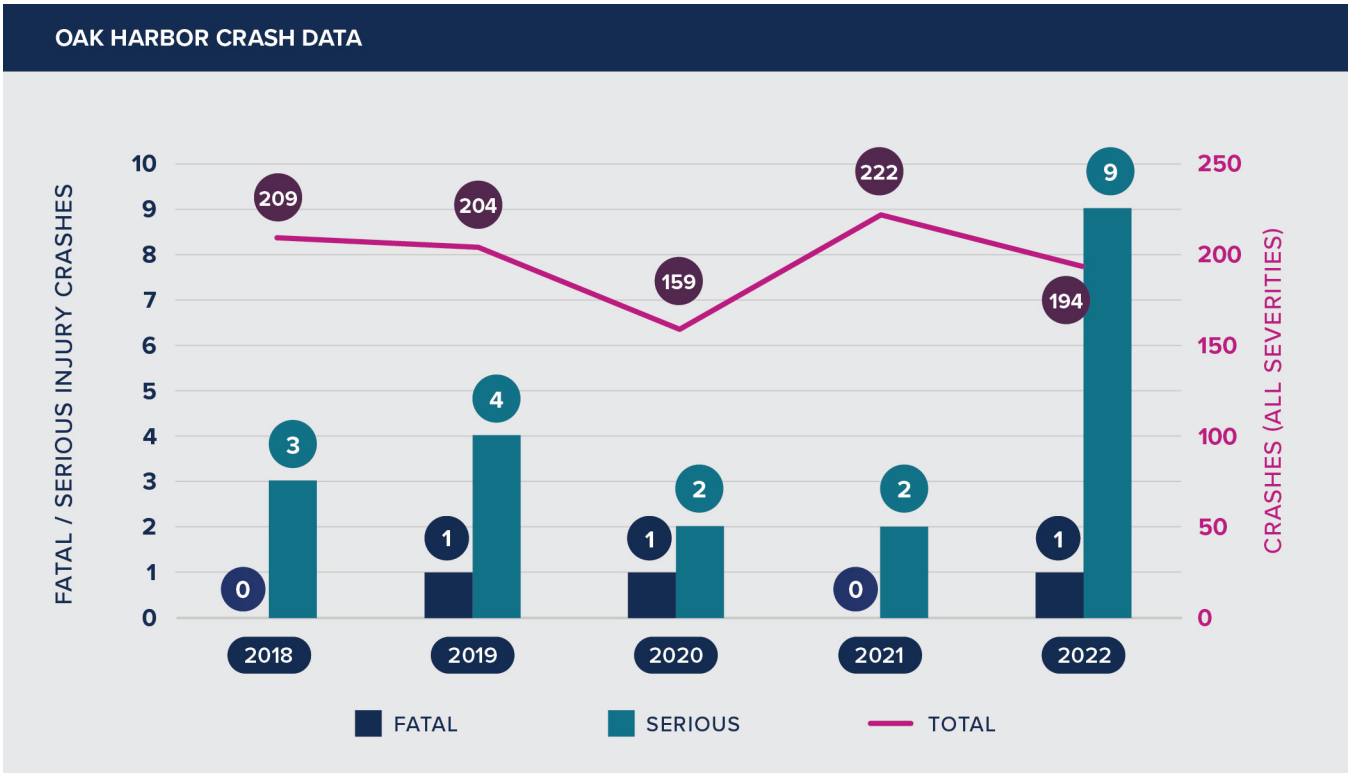
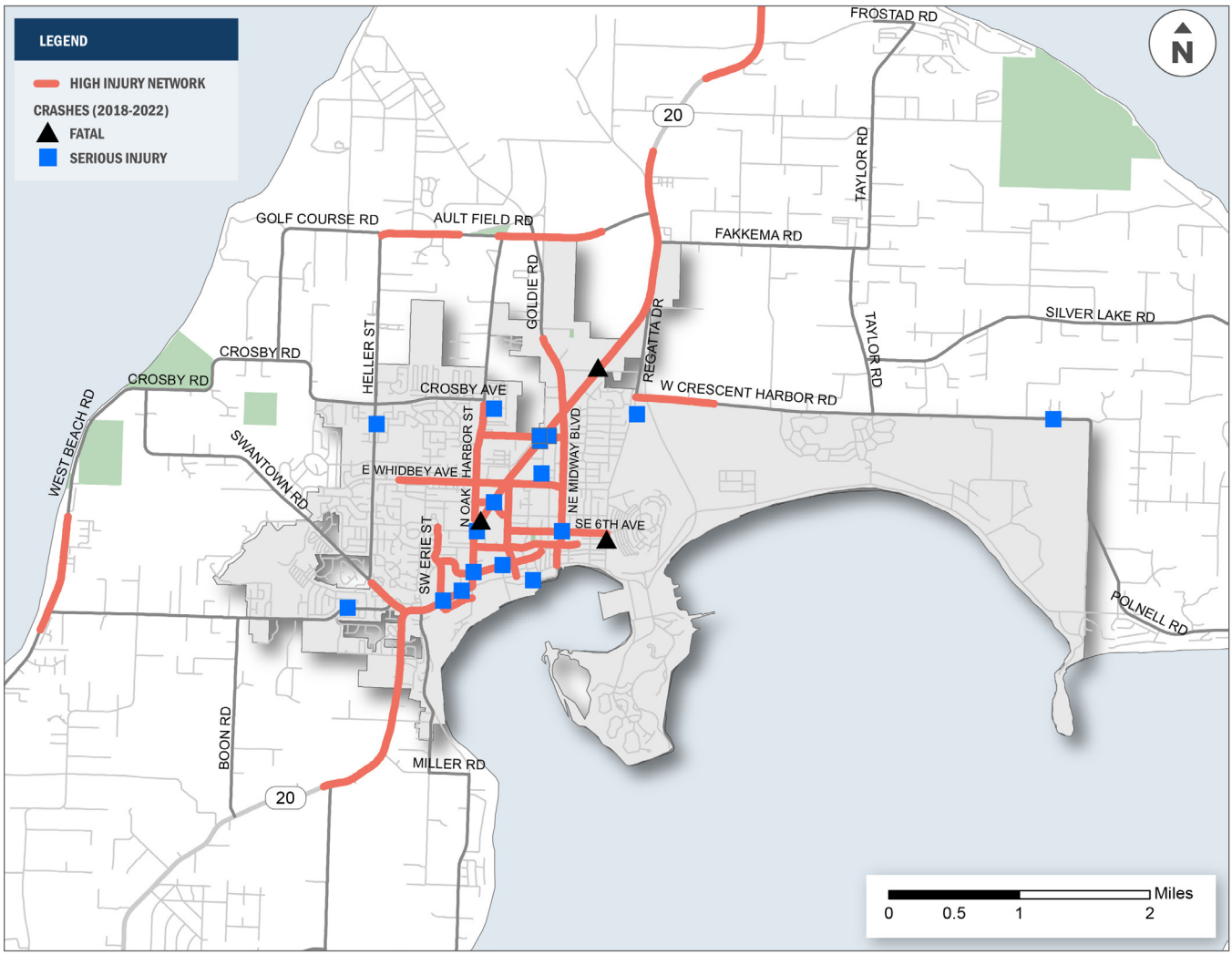


**FIGURE 23** maps the fatal and serious injury crashes that occurred within the City of Oak Harbor. Two out of the three fatal crashes occurred on SR 20. The highest number of four serious injury crashes occurred at the intersections of SR 20 at NE 7th Avenue, three of which occurred at the driveway near the intersection. The intersection of SR 20 at SE 3rd Avenue/SE Cabot Drive experienced two serious injury crashes.

The four crash types with the highest proportion of fatal and serious injury crashes are angle (52%), hit fixed-object (17%), hit pedestrian (13%), and rear-end (13%) crashes.

**FIGURE 23.** FATAL AND SERIOUS INJURY CRASHES IN THE CITY OF OAK HARBOR



# EMPHASIS AREAS

The Washington State Highway Safety Plan (SHSP) outlines 11 emphasis areas. **TABLE 17** provides a summary of total crashes, as well as fatal and serious injury crashes, organized by these emphasis areas. By comparing the percentage distribution of total crashes to that of fatal and serious injury crashes, the top three emphasis areas specific to City of Oak Harbor are identified.

**TABLE 18.** CRASHES BY EMPHASIS AREA IN THE CITY OF OAK HARBOR

| | EMPHASIS AREAS | TOTAL | % OF TOTAL CRASHES | FATAL AND SERIOUS INJURY CRASHES | % OF FATAL AND SERIOUS INJURY CRASHES** |
|---|---|---|---|---|---|
| | INTERSECTION RELATED | 556 | 56% | 14 | **61%** |
| | MOTORCYCLISTS | 27 | 3% | 9 | **39%** |
| | DISTRACTED ROAD USER | 265 | 27% | 7 | **30%** |
| | YOUNG DRIVER (16-25) INVOLVED* | 429 | 43% | 6 | 26% |
| | OLDER DRIVER (70+) INVOLVED | 195 | 20% | 5 | **22%** |
| | IMPAIRMENT INVOLVED | 71 | 7% | 5 | **22%** |
| | LANE DEPARTURE | 119 | 12% | 4 | **17%** |
| | SPEEDING | 73 | 7% | 2 | **9%** |
| | UNRESTRAINED OCCUPANT | 12 | 1% | 2 | **9%** |
| | ACTIVE TRANSPORTATION USERS | 31 | 3% | 0 | 0% |
| | HEAVY VEHICLE INVOLVED | 28 | 3% | 0 | 0% |

** **##%** *indicates percentage of Fatal and Serious Injury crashes are higher than percentage of total crashes*

The emphasis areas with the highest number of crashes, including fatal and serious injury, for the City of Oak Harbor are ranked as follows: intersection-related crashes, motorcyclist crashes, and distracted driving, which are described in **FIGURE 24**.

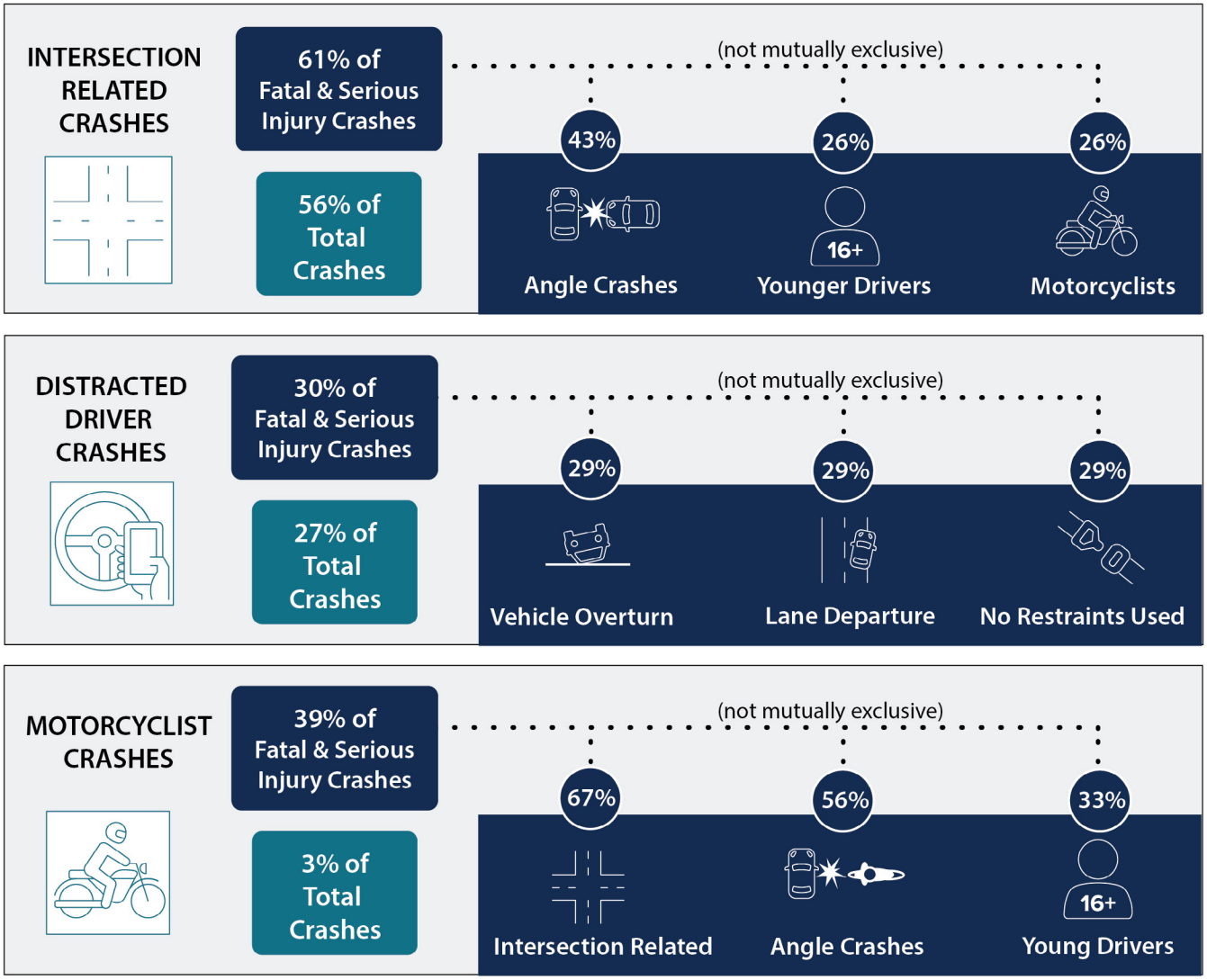
Common crash types at intersections include angle and rear-end collisions. Fatal and serious injury crashes involving young drivers and motorcyclists occur at a higher rate.

Although the percentage of motorcyclist crashes is relatively low (only 3% of all reported crashes), these crashes have a high likelihood of resulting in fatal or serious injuries, accounting for 39% of all fatal and serious injury crashes in Oak Harbor. Motorcyclist crashes are often associated with intersections and/or young drivers.

Distracted driving poses significant risks at intersections and on high-speed roadways. On such roadways, lane departures and vehicle overturns are more likely to result in fatal or serious injury crashes.

In addition to the emphasis areas, high priority locations are identified based on the methodology discussed in Chapter 6.

**FIGURE 24.** TOP EMPHASIS AREAS IN THE CITY OF OAK HARBOR



# HIGH PRIORITY LOCATIONS IN OAK HARBOR

Prioritizing road segments and intersections with safety concerns is a critical strategy for identifying projects that will address the safety concerns. Techniques like the High Injury Network (HIN), Systemic Safety Network (SSN), Vulnerable Road Users (VRU), and Equity Need are utilized to identify locations with safety concerns and prioritize them. A detailed methodology on how the segments and intersections are prioritized is discussed in Chapter 6.

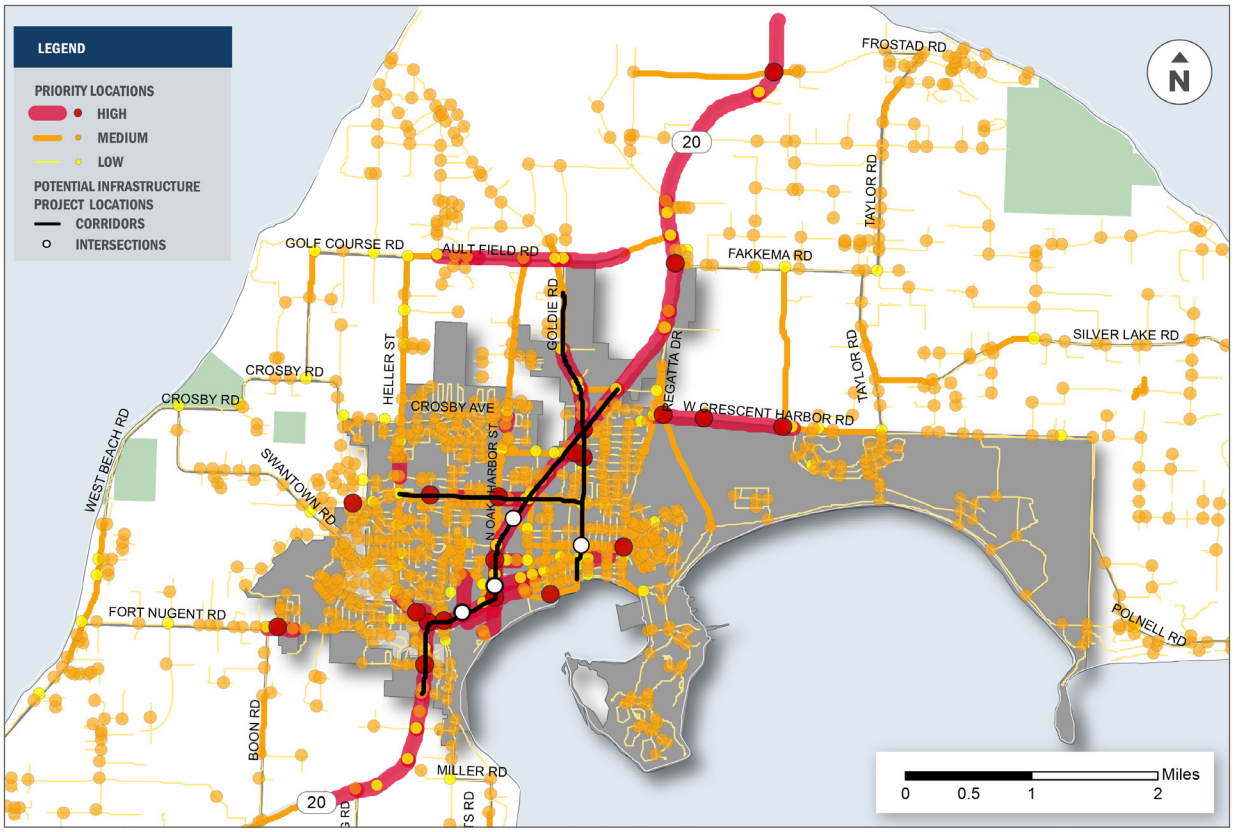
**FIGURE 25** presents the high priority segments and intersections in the City of Oak Harbor. The whole corridor of SR 20 is of high priority. Other roadways of note are W Crescent Harbor Road, cross streets along SR 20 like west and east Whidbey Avenue, SE Barrington Drive, SW Erie Street, SW Bayshore Drive, SW Beeksma Drive, and SW Swantown Road.

Approximately 20 intersections are identified as high priority. This includes two sets of consecutive intersections along the same corridor:

- Three consecutive intersections on W Crescent Harbor Road.
- Seven consecutive intersections on SR 20 from SW 8th Street in the north to SW 24th Avenue in the south.

By integrating high-priority locations with safety concerns raised by the public, a list of proposed safety improvement projects is created. The following sections provide an overview of public feedback and the proposed safety enhancements projects for the City of Oak Harbor.

**FIGURE 25.** HIGH PRIORITY SEGMENTS AND INTERSECTIONS ALONG WITH PROPOSED PROJECTS IN THE CITY OF OAK HARBOR



# FEEDBACK FROM THE PUBLIC IN THE CITY OF OAK HARBOR

Fourteen percent of the IRTPO survey respondents said they lived in the City of Oak Harbor. Throughout the engagement process, community members from the City of Oak Harbor provided valuable feedback on their safety concerns, including specific locations and ideas for improvements.

## SAFETY CONCERNS

Community members in the City of Oak Harbor expressed concerns about:

- Speeding vehicles
- Unsafe pedestrian crossings
- Drivers using the shoulders to pass, especially as many community members mentioned pedestrians and bicyclists using the shoulders on roads without pedestrian or bicyclist infrastructure
- Narrow roads and roads with poor visibility due to the roadway alignment
- Chip seal on the roadway shoulders coming off the pavement and injuring bicyclists while they ride

## LOCATIONS OF CONCERN

Many community members from the City of Oak Harbor shared concerns about specific locations they found to be concerning.[1] The locations mentioned the most were:

- Highway 20
- Oak Harbor Road
- Regatta Drive
- Monkey Hill Road
- Crescent Harbor Road
- Arnold Road
- Ault Field Road

## IDEAS FOR SAFETY IMPROVEMENTS

Community members from the City of Oak Harbor shared some of their own ideas to improve roadway safety in their neighborhoods. The most common ideas shared with the project team were:

- Improving pavement markings, especially turn lane pavement markings throughout the City of Oak Harbor
- Safer speed limits, more speed limit enforcement, consistent posted speed limits, and consideration of speed limit reduction
- Improving roadway lighting
- Implementing pedestrian-focused traffic calming measures
- Improving pedestrian facilities such as extending sidewalk networks, widening narrow sidewalks, and constructing new sidewalks
- Improving bicycle facilities such as implementing more bike lanes, connecting the existing network, constructing multi-use trails, and improving bicycle signage
- Widening shoulders where possible

1 Note: Some locations mentioned by community members in the City of Oak Harbor are outside the city limits.

# POTENTIAL RECOMMENDATIONS

The following tables highlight the proposed projects identified by the City of Oak Harbor. The tables separate infrastructure-based projects and non-infrastructure-based projects. See Chapter 12 for the full list of projects with descriptions. The order of appearance does not indicate prioritization order of the project.

**TABLE 19.** OAK HARBOR PROPOSED NON-INFRASTRUCTURE PROJECTS

| PROJECT NUMBER | PROJECT NAME | EMPHASIS AREAS | SAFE SYSTEM APPROACH |
|---|---|---|---|
| **NI-12** | Proactive Traffic Neighborhood Program | Speeding | Safer People |
| **NI-13** | Citywide Posted Speed Limit Evaluation and Policy | Speeding | Safer Speeds |
| **NI-14** | Yard Sign Safety Program | Distracted Driving | Safer People |
| **NI-15** | SR 20 Signal Coordination in Oak Harbor | Intersection | Safer Roads |

**TABLE 20.** OAK HARBOR PROPOSED INFRASTRUCTURE PROJECTS

| PROJECT NUMBER | PROJECT NAME | EMPHASIS AREAS | SAFE SYSTEM APPROACH |
|---|---|---|---|
| **IB-16** | SR 20 Oak Harbor Reconstruction (Mid Term) | Speeding | Safer Roads, Safer Speeds, Safer People |
| **IB-17** | Whidbey Ave Intersection improvements | Active Transportation | Safer Roads, Safer Speeds, Safer People |
| **IB-18** | Intersection Pedestrian Improvements | Active Transportation | Safer Roads, Safer People |
| **IB-19** | Midway Blvd Improvements | Active Transportation | Safer Roads, Safer People |
| **IB-20** | SW 3rd Ave and SE Cabot Dr from S Oak Harbor St and SE Ely St | Active Transportation | Safer Roads, Safer Speeds, Safer People |

The following **TABLE 21** provides the additional infrastructure projects that may be considered.

**TABLE 21.** OAK HARBOR ADDITIONAL INFRASTRUCTURE PROJECTS TO CONSIDER

| PROJECT NAME | DESCRIPTION | EMPHASIS AREAS | SAFE SYSTEM APPROACH |
|---|---|---|---|
| **WHIDBEY AVE – HELLER ST TO NW JIB ST** | Add protection in the bike buffers. Road diet from 5 lanes to 3 lanes. Add a mid-block enhanced pedestrian crossing at Barron Drive. Evaluate reducing the speed limit. Modify the Signal operations. | Active Transportation | Safer Roads, Safer Speeds, Safer People |
| **SR 20 OAK HARBOR RECONSTRUCTION (LONG TERM)** | Road diet 5 lane to 3 lane. Separated Bike Lanes per Oak Harbor ATP. Long-Term project. Safe Routes to School considerations. | Speeding | Safer Roads, Safer Speeds, Safer People |
| **SR 20 AND SW ERIE ST AND SW BAYSHORE DR INTERSECTION SAFETY** | Evaluate intersection signal operations for additional safety benefits. | Intersection | Safer Roads |
| **SR 20 AT BARRINGTON DR INTERSECTION SAFETY** | Add no right-turn on red signs, refreshing the pedestrian pavement markings and ensure pedestrian push buttons are operational. | Intersection | Safer Roads |
| **SR 20 AT BARRINGTON DR INTERSECTION SAFETY** | Roundabout at SR 20 at S Barrington Dr. | Intersection | Safer Roads |

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# ISLAND TRANSIT

# BACKGROUND

Since December 1, 1987, Island Transit has offered free public transportation to the Island County community. It began as a small system, serving 161 riders on its first day. Over the years, it has grown into a county-wide service, catering to nearly 1,350 daily ridership per weekday for those who travel for work, school, medical appointments, business needs, and to connect with ferries and other transit systems. Currently, Island Transit provides a comprehensive range of transportation services, including fixed routes, paratransit, and vanpool options, totaling over 380,574 trips each year.[1]

Island Transit serves the residents of Island County, encompassing Whidbey and Camano Islands, while also offering connections to neighboring transit systems like Skagit Transit, Everett Transit, the Coupeville and Clinton Ferry Terminals, and multiple Park & Ride (P&R) locations. The agency provides a range of services, including fixed-route buses, on demand rides, paratransit, and rideshare/vanpool options. Committed to accessibility, all Island Transit buses are fully equipped to meet Americans with Disabilities Act (ADA) requirements, ensuring convenient and inclusive transportation for all.

1 Source: https://irp.cdn-website.com/ac3d33af/files/uploaded/FINALDraft%28V2%298.26.24.2024-2029_Transit_Development_Plan.pdf

**FARE-FREE:** Island Transit is fare-free, meaning that passengers can ride all buses and services without having to pay a fare. This makes public transportation more accessible to everyone, including seniors, individuals with disabilities, and those on fixed or limited incomes. By eliminating fares, Island Transit helps reduce financial barriers, encouraging more people to take advantage of their convenient and reliable service.

**ON DEMAND SERVICE:** Island Transit's On Demand service provides flexible, bus stop-to-bus stop transportation for riders in specific service areas where regular bus routes do not operate. This service is perfect for those who need a more personalized travel option and can be booked in advance through the Island Transit app or by calling their customer service line. To sign up, call our dispatch 360-678-7771 for assistance. Visit our website (www.islandtransit.org) to learn more.

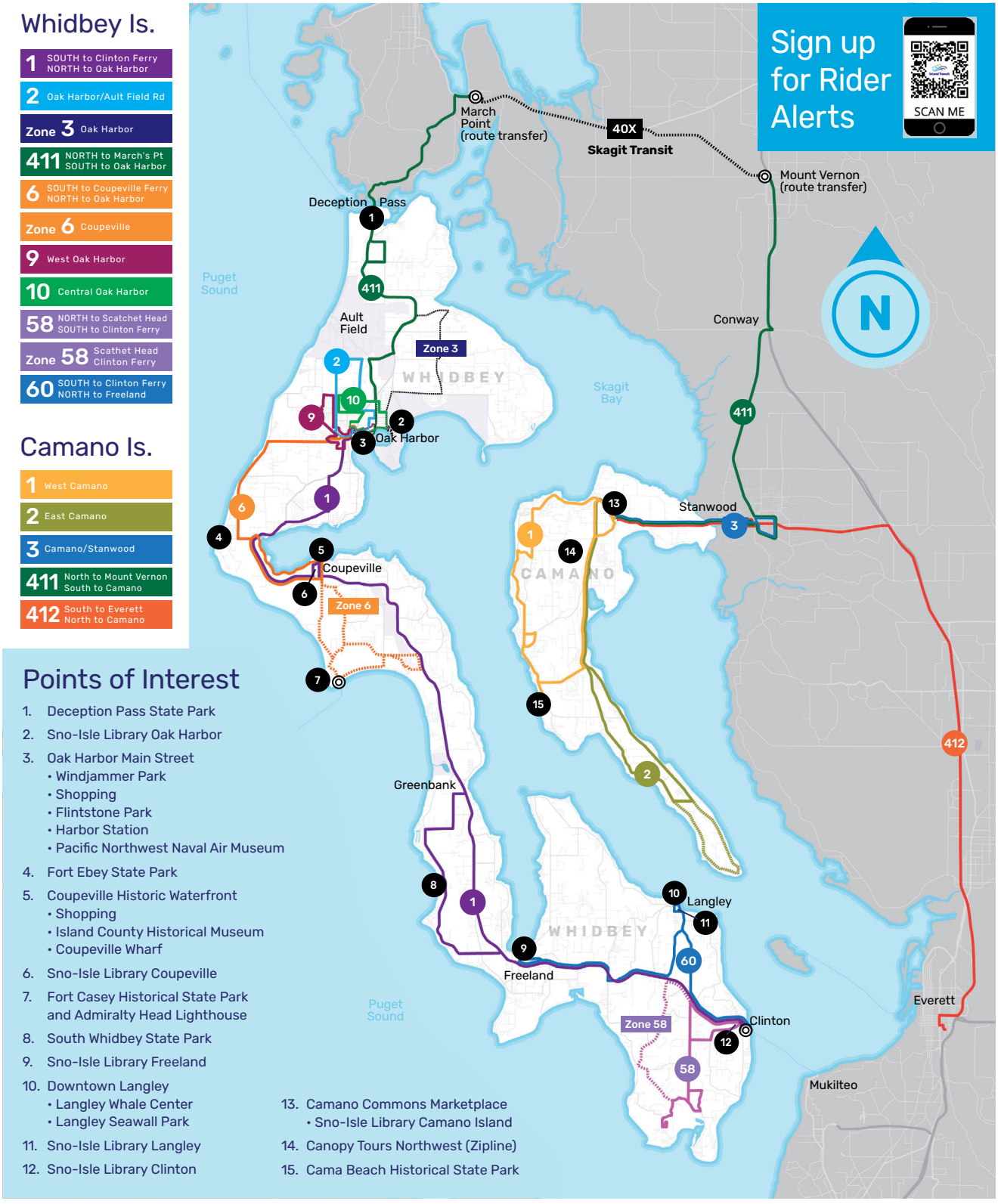
**PARATRANSIT SERVICE:** Island Transit's fare-free Paratransit service requires an application, interview, and functional assessment for eligibility. It extends 3/4 of a mile beyond fixed bus routes, offering curb-to-curb service. This specialized transportation ensures accessibility for individuals with disabilities, enhancing mobility and independence within the community.

**TRAVEL TRAINING PROGRAM:** Island Transit's Travel Training Program helps individuals build the skills and confidence they need to use public transportation safely and independently. The program offers personalized instruction on navigating bus routes, reading schedules, and understanding transit schedules, making it easier for riders to access essential services and destinations. To sign up, participants can contact Island Transit directly by phone at 360-678-7771 or visit our website (www.islandtransit.org) for more information and to schedule a training session.

**RIDER ALERTS:** Island Transit's Rider Alerts keep passengers informed about service changes, delays, or route disruptions in real time. To stay updated on schedule changes or emergencies, riders can sign up for alerts via email or text message by visiting the Island Transit website (www.islandtransit.org/Rider-Alert-Simplify-Transit) and subscribing to the Rider Alerts section. This service ensures that passengers are informed before heading out.

**ISLAND TRANSIT SAFETY TIPS:** For added safety while riding Island Transit, it's important to wear bright or reflective clothing, especially when traveling during early morning or evening hours. This makes you more visible to bus drivers and other travelers, reducing the risk of crashes. Additionally, if you're traveling in the dark, consider carrying a flashlight to improve visibility. Island Transit can provide free safety vests and flashlights to riders to support greater visibility at night.

**FIGURE 26.** ISLAND TRANSIT SERVICE MAP[1]



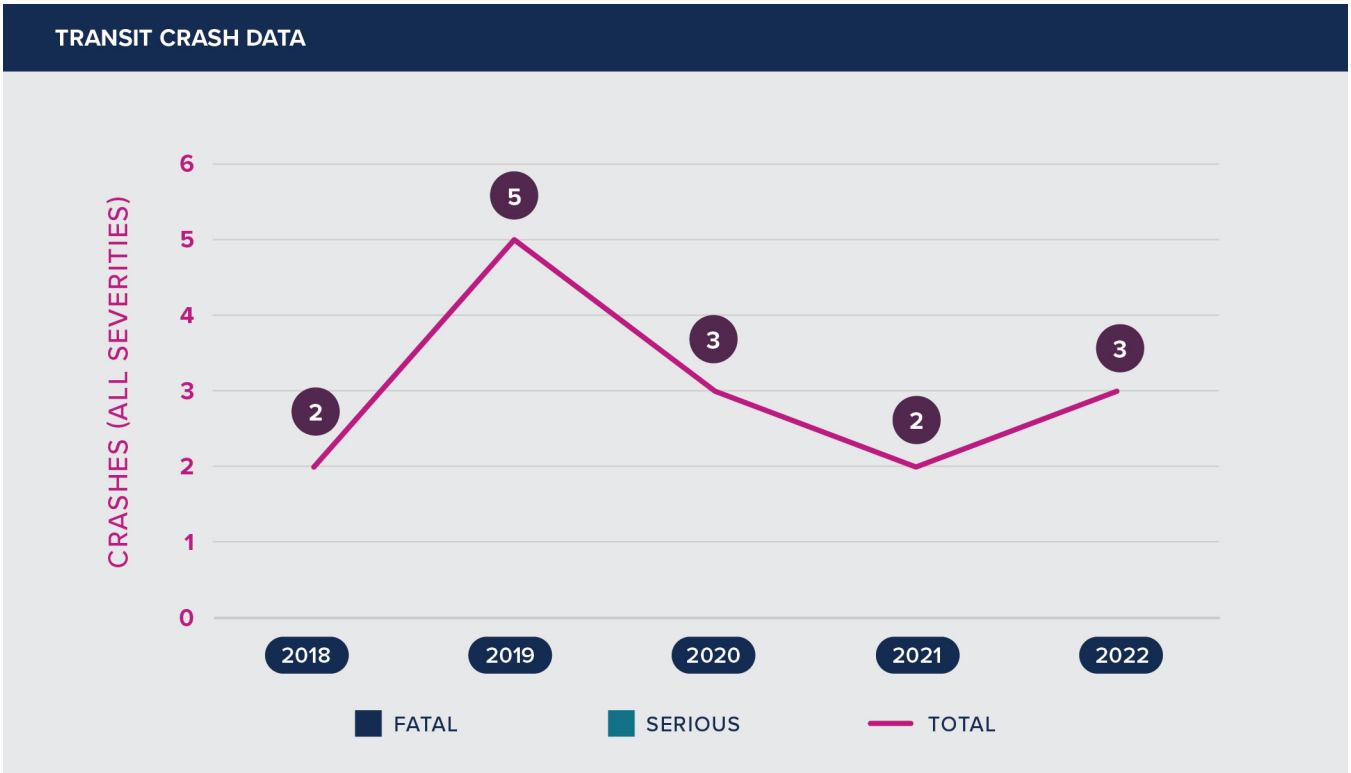

1 Island Transit Service Map: https://irp.cdn-website.com/ac3d33af/files/uploaded/FINALDraft%28V2%298.26.24.2024-2029_Transit_Development_Plan.pdf (Pages 44-46)

# CRASH DATA AND TRENDS

**FIGURE 27** presents the trend of crashes where a transit vehicle was involved. From 2018 to 2022, there were a total of 15 crashes in which a transit vehicle was involved. None of the crashes resulted in a fatal or serious injury.

There were eight crashes at intersections, four of which were of rear-end type. There were four crashes that involved a distracted road user.

**FIGURE 27.** NUMBER OF CRASHES (2018-2022) INVOLVING TRANSIT



# FEEDBACK FROM THE PUBLIC REGARDING ISLAND TRANSIT

Many community members left feedback through either the interactive map, the project website survey, or verbally at the in-person pop-ups and open houses. The public feedback regarding transit in the IRTPO region is summarized below.

## SAFETY CONCERNS

Community members in the IRTPO region expressed concerns about:

- Unsafe pedestrian crossing locations or insufficient crossing locations at or near the bus stops
- Nonexistent, inadequate, or poor lighting at bus stops
- Proximity to vehicles and driver behavior (speeding) while waiting for the bus
- Lack of ADA accessibility at bus stops
- Lack of bus stop infrastructure such as bus shelters, benches, and signage

## LOCATIONS OF CONCERN

Many community members from the IRTPO region shared concerns about specific locations they found to be concerning. The locations mentioned the most were:

- Admiral Drive
- Penn Cove Road
- Bayview Road
- Swantown Road
- Freeland Avenue
- Clinton, Island County, WA
- Honeymoon Bay Road
- Scatchet Head Road

## IDEAS FOR SAFETY IMPROVEMENTS

Community members from throughout the IRTPO region shared some of their own ideas to improve roadway safety related to transit. The most common ideas shared with the project team were:

- Improving bus stop lighting, signage, and benches
- Improving pedestrian crossings
- Implementing more and safer pedestrian crossings
- Implementing roundabouts or neighborhood traffic calming circles where appropriate
- Implementing clearly marked dedicated Island Transit bus stops

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# PROPOSED PROJECTS

This section summarizes all the proposed non-infrastructure and infrastructure-based projects. The projects are ordered alphabetically based on agency and timeframe. The order of appearance does not indicate the prioritization order of the project.

**TABLE 22.** SUMMARY OF PROPOSED NON-INFRASTRUCTURE BASED PROJECTS

Near Term (Under 3 years) | Mid Term (3 to 5 years) | Long Term (Greater than 5 years)

| AGENCY | CSAP | PROJECT TITLE | PROJECT LOCATION | PROJECT DESCRIPTION | TIMEFRAME |
|---|---|---|---|---|---|
| All Agencies | NI-01 | Neighborhood Safety Organization Program | All Agencies | Develop a neighborhood safety ambassador program, promoting road safety awareness and advancing safety initiatives. | Long Term |
| Coupeville | NI-02 | Updated Crosswalk Markings Townwide and add detectable warning surfaces (DWS) to curb ramps | Coupeville Townwide | Refresh crosswalk markings to improve crosswalk visibility and add ADA ramp pads in Coupeville. | Near Term |
| Island County Public Health / Island County Public Works | NI-03 | Improve coordination between Island County Public Works and Public Health | All Agencies | Improve coordination and cooperation with Island County Public Health and Public Works to help in planning and decision-making. | Near Term |
| Island County (Camano Island) | NI-04 | Improve coordination between Island County and EMS | Countywide | Improve coordination between Island County and Camano Island EMS to improve EMS priority routes (in particular Camano Hill Rd and Monticello Dr). | Near Term |
| Island County | NI-05 | Neighborhood Traffic Management Program | Countywide | Continue funding the Neighborhood Traffic Calming Program. | Near Term |
| Island County Public Health | NI-06 | Additional Driver's Education programs | Countywide | Incorporate additional education in driver's education programs that address contributing factors for crashes in youth ages 15-19. Funding for the following activities will support this effort:<br>• Gain an understanding of main contributing factors (exceeding safe speeds, distracted driving, alcohol, etc.).<br>• Develop materials or adapt existing materials for driver's education programs. Use evidence-based programs if they exist and collaborate with driver's education programs.<br>• Integrate positive community norms in education. | Mid Term |

| AGENCY | CSAP | PROJECT TITLE | PROJECT LOCATION | PROJECT DESCRIPTION | TIMEFRAME |
|---|---|---|---|---|---|
| Island County Public Works and Public Health | NI-07 | Safe Routes to School Plan | Countywide | Develop a Safe Routes to School Plan in Island County to improve safety and mobility for children by enabling and encouraging them to walk and bicycle to school. Island County Public Health proposes piloting this program on Camano Island before expanding to other school districts as efforts to improve routes to school will also address locations of concern and other safety concerns. | Mid Term |
| Island County | NI-08 | Emergency vehicle operator course | Countywide | Ensure all first responders take the emergency vehicle operator course. | Mid Term |
| Island County | NI-09 | Countywide Speed Limit Policy Implementation | Countywide | Implement the Island Countywide Speed Limit Policy Recommendations. | Long Term |
| Island County | NI-10 | Complete Streets policy | Countywide | Develop a complete streets policy countywide. | Long Term |
| Island County | NI-11 | Active Transportation Plan | Countywide | Develop an Island County Active Transportation Plan to identify and improve active transportation connections and facilities. | Long Term |
| Oak Harbor | NI-12 | Proactive Traffic Neighborhood Program | Oak Harbor Citywide | Give the community members an opportunity to apply for signage or other traffic calming programs to support the existing traffic neighborhood program. | Near Term |
| Oak Harbor | NI-13 | Citywide Posted Speed Limit Evaluation and Policy | Oak Harbor Citywide | Evaluate the current posted speed limit policy and update the policy if needed. | Mid Term |
| Oak Harbor | NI-14 | Yard Sign Safety Program | Oak Harbor Citywide | Develop a yard sign safety program to make yard signs available for community members to improve transportation safety awareness. Examples include, "Share the road, " "Beware of Wildlife," "Slow Down: Drive like you live here" Signs. | Mid Term |
| Oak Harbor | NI-15 | Yard Sign Safety Program | Oak Harbor Citywide | Develop a yard sign safety program to make yard signs available for community members to improve transportation safety awareness. Examples include, "Share the road, " "Beware of Wildlife," "Slow Down: Drive like you live here" Signs. | Mid Term |
| WSDOT / Oak Harbor | NI-15 | SR 20 Signal Coordination in Oak Harbor | SR 20 from SW Swantown Ave to E Whidbey Ave | Update signal timing and coordination for seven signalized intersections. Consider safety and operations to prevent speeding and red-light running. | Near Term |
| WSDOT / IRTPO | NI-16 | Countywide speed feedback signs | Countywide | Identify locations and Installing speed feedback signs along Hwy 20 and SR 525. | Long Term |

| AGENCY | CSAP | PROJECT TITLE | PROJECT LOCATION | PROJECT DESCRIPTION | TIMEFRAME |
|---|---|---|---|---|---|
| WSDOT / IRTPO | NI-17 | Intersection Traffic Studies (including, but not limited to, SR 525 & Double Bluff Road) | Various | Conduct traffic analysis studies on priority locations to determine intersection controls. In particular, consider a compact roundabout at SR 525 and Double Bluff Road. | Long Term |

**TABLE 23.** SUMMARY OF PROPOSED INFRASTRUCTURE-BASED PROJECTS

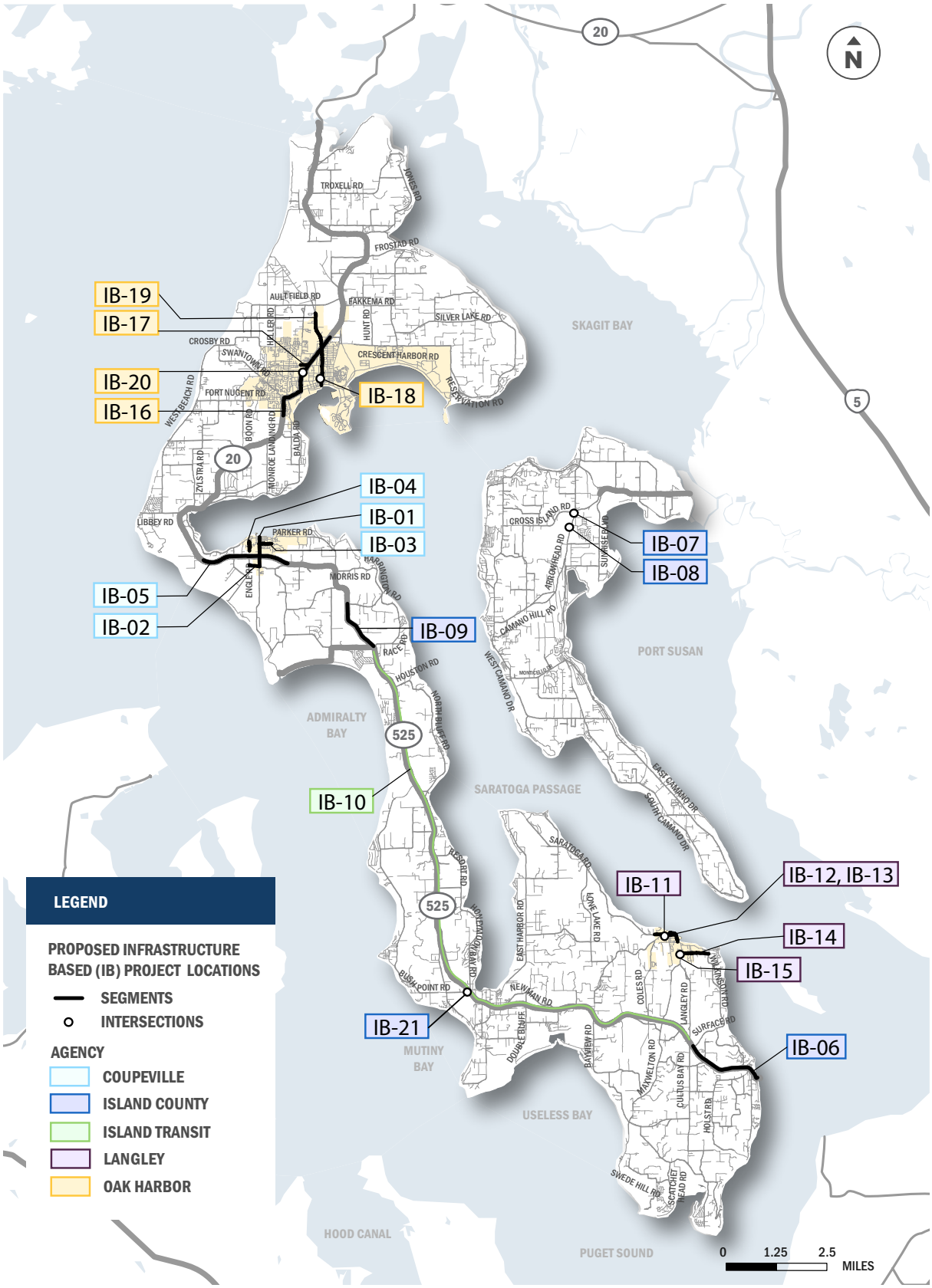
Near Term (Under 3 years) | Mid Term (3 to 5 years) | Long Term (Greater than 5 years)

| AGENCY | CSAP | PROJECT TITLE | PROJECT LOCATION | PROJECT DESCRIPTION | TIMEFRAME |
|---|---|---|---|---|---|
| Coupeville | IB-01 | Main St Corridor | Northeast Front Street to Southwest Terry Road | Roadway improvements including sidewalk connections, bicycle facilities, right turn lanes and bus pullout. | Mid Term |
| Coupeville | IB-02 | Terry Road Pedestrian Improvements | SW Terry St from S Main St to S Ebey Rd | Install sidewalk, pedestrian crossing flashing lights and raised crossings. | Long Term |
| Coupeville | IB-03 | NE 6th St Shoulder access | NE 6th St from N Main St to NE Otis St | Widen shoulders along NE 6th St for bikes and pedestrians from N Main St to NE Otis St. | Long Term |
| Coupeville | IB-04 | Broadway Neighborhood Greenway | NW Broadway from NW Oakmont St to NW Madrona Way | Neighborhood Greenway on Broadway, install a raised crosswalk, add a pinch point or other traffic calming elements. Pave the gravel pedestrian path. | Long Term |
| Coupeville / Island County / WSDOT | IB-05 | Cedar Hollow Lane to Terry intersection improvements along SR 20 corridor | SR 20 from Cedar Hollow Lane to Terry Road | Provide left turn lanes at intersections, or roundabouts. Add wildlife signing. | Long Term |
| Island County | IB-06 | Dedicated Multi-use trail on SR 525 from Clinton Ferry to Ken's Korner | SR 525 from Clinton Ferry to Surface Rd (Ken's Korner) | • Add a dedicated multi-use trail for pedestrians and cyclists from Clinton Ferry to Ken's Korner Shopping Plaza parallel to SR 525. | Long Term |

| AGENCY | CSAP | PROJECT TITLE | PROJECT LOCATION | PROJECT DESCRIPTION | TIMEFRAME |
|---|---|---|---|---|---|
| Island County | IB-07 | Northeast Camano Dr and East Cross Island Rd Roundabout | Northeast Camano Dr and East Cross Island Rd | Roundabout at Northeast Camano Dr and East Cross Island Rd. | Long Term |
| Island County | IB-08 | Northeast Camano Dr and Mc Elroy Dr Roundabout | Northeast Camano Dr and Mc Elroy Dr | Roundabout at Northeast Camano Dr and Mc Elroy Dr. | Long Term |
| Island County / WSDOT | IB-09 | Widen Shoulders on SR 20 from Race Rd to Welcher Rd | SR 20 from Race Rd to Welcher Rd | Partner with WSDOT to widen shoulders along SR 20 from Race Rd to past Welcher Rd. | Long Term |
| Island Transit | IB-10 | Bus Pull Outs on SR 525 | Countywide | Evaluate and add bus pull outs at strategic bus stop locations along SR 525 between WA-20 and Cultus Bay Rd. Island Transit will be undertaking a long-term project to add pullouts over time. | Long Term |
| Langley | IB-11 | Second St & Park Ave Intersection All Way Stop Control Conversion | Second St and Park Ave | Convert intersection into all way stop control to improve consistency throughout the corridor. Evaluate other intersections, as well. | Mid Term |
| Langley | IB-12 | Saratoga and 2nd Gateway | Saratoga Rd - 2nd St from City Limits to Cascade Ave | Gateway Treatment such as a pinch point and signs eastbound on Saratoga before 2nd Ave. Add speed tables on Saratoga Rd to slow vehicles approaching town. Consider speed feedback signage. | Mid Term |
| Langley | IB-13 | 1st St Gateway | 1st St - Cascade Ave from Melsen Aly to 6th St | Gateway treatment. Remove centerline "arterial" striping between Anthes Ave and Wharf St. Install concrete instead of asphalt (like Second Street). Raised crosswalks at intersections with 4th, second, Wharf, and Anthes. | Long Term |
| Langley / Island County | IB-14 | Sandy Point Rd Traffic Calming | Sandy Point Rd from Langley Rd to Wilkinson Rd | Pedestrian Improvements with traffic calming elements. | Long Term |
| Langley / Island County | IB-15 | Camano Ave/ Langley Rd/ Sandy Point Rd Intersection Improvement | Camano Ave/Langley Rd/Sandy Point Rd | • Intersection Improvement Project. Consider roundabouts or neighborhood traffic circle. | Long Term |
| Oak Harbor | IB-16 | SR 20 Oak Harbor Reconstruction | SR 20 from Whidbey Ave to Southwest Eagle Vista Ave | Road diet 5 lane to 3 lane. Separated Bike Lanes per Oak Harbor ATP. Enhance pedestrian crossings and consider additional pedestrian crossings. | Mid Term |

| AGENCY | CSAP | PROJECT TITLE | PROJECT LOCATION | PROJECT DESCRIPTION | TIMEFRAME |
|---|---|---|---|---|---|
| Oak Harbor | IB-17 | Whidbey Ave Intersection improvements | S Oak Harbor St to SR 20 | Add protection in the bike buffers. Road diet from 5 lanes to 3 lanes. Add a mid-block enhanced pedestrian crossing at Barron Drive. Evaluate reducing the speed limit. Modify the Signal operations. | **Long Term** |
| Oak Harbor | IB-18 | Intersection Pedestrian Improvements | SE 6th St and SE Midway Blvd | • ADA markings, curb ramps, all-way stop intersection, pedestrian crosswalk markings, advanced warning signs, RFB. Add pedestrian crossing treatments in the near term for SE 6th Ave intersection. | **Long Term** |
| Oak Harbor | IB-19 | Midway Blvd Improvements | NE Goldie St - NE Midway Blvd from South of Colin Ln to SE Pioneer Way | Street overlay, restriping from 4 lane to 3 lanes with bike facilities. Consider enhanced pedestrian crossings and driveway consolidation. | **Long Term** |
| Oak Harbor / WSDOT | IB-20 | SW 3rd Ave and SE Cabot Dr from S Oak Harbor St and SE Ely St | S Oak Harbor St to SE Ely St | Reconfigure lanes to add Bike Lanes along SW 3rd Ave /SE Cabot Dr between S Oak Harbor St and SE Ely St. Top priority bicycle project in Oak Harbor ATP. | **Long Term** |
| WSDOT | IB-21 | Bush Point Rd at Honeymoon Bay Intersection Safety | SR 525 and Bush Point Rd and Honeymoon Bay Rd | Signalized Intersection or Roundabout | **Long Term** |

**FIGURE 28.** PROPOSED INFRASTRUCTURE-BASED PROJECTS IN IRTPO REGION



IRTPO
COMPREHENSIVE
SAFETY ACTION PLAN

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# MEASURING & MONITORING PROGRESS

As part of the Safe System Approach, it is important to monitor both output (the number of projects and strategies implemented) and outcomes (the effectiveness of the projects to reduce the number and severity of roadway crashes).

Each project will be monitored to assess its status toward completion and its effectiveness in reducing traffic fatalities and severe injuries. To ensure the monitoring process is conducted properly, the IRTPO Transportation Advisory Committee (TAC) may review and oversee progress on an annual basis. Monitoring results may be presented in a publicly available annual report. The potential performance metrics are shown in **TABLE 24** below. The purpose of monitoring the proposed projects is to ensure that projects lead to the intended goals of reducing fatal and serious injury crashes.

**TABLE 24.** HOW TO MEASURE PROGRESS OF OUTPUTS AND OUTCOMES

| PERFORMANCE METRICS | HOW DO WE MEASURE |
|---|---|
| PROJECT SCHEDULE | ❑ On-schedule<br>❑ Behind Schedule |
| PROJECT STATUS | Determine the status of the project:<br>❑ Yet to begin<br>❑ Work started<br>❑ Work on-going<br>❑ Completed |
| FUNDING STATUS | Status:<br>❑ Looking for Funding<br>❑ Funded<br>❑ Needs more funding |
| PROJECT OUTCOMES | Before / After Assessment:<br>❑ No documentation at this time<br>❑ Documented improvement (e.g., fewer conflicts or crashes)<br>❑ Documented, but no improvement |

IRTPO
COMPREHENSIVE
SAFETY ACTION PLAN

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# HELPFUL RESOURCES

IF YOU ARE IN AN EMERGENCY OR WANT TO REPORT A TRANSPORTATION SAFETY ISSUE (WILDLIFE CRASH, STOP SIGN DOWN, ETC.)

## CALL 911

TO REQUEST FIXING A SIGNAL, PEDESTRIAN PUSH BUTTON OR PROVIDE FEEDBACK TO WASHINGTON STATE DEPARTMENT OF TRANSPORTATION:

HTTPS://WSDOT.WA.GOV/ABOUT/CONTACTS/SEND-US-YOUR-FEEDBACK

Here are some other resources from the Whidbey Health Emergency Medical Services:
Visit: https://whidbeyhealth.org/services/emergency-care/ems-community-programs/

| | |
|---|---|
| **AED PROGRAMS**<br>Manages Public Access Defibrillation Programs and provides AEDs to reduce unnecessary sudden cardiac arrest deaths | **AMBULANCE STANDBYS**<br>Partners with community events to proactively ensure that Community Programs, participants, and visitors have the safest experience possible |
| **TAKE10**<br>Provides community-based peer-taught CPR training through 10-minute classes to teach compression-only CPR | **ACT**<br>Offers ACT to Save a Life, a one hour first aid class that teaches 3 vital skills that can save a life during the crucial minutes before EMS arrives. |

Learn and improve your driving and motorcycle safety skills:

| | |
|---|---|
| **CASCADE MOTORCYCLE SAFETY**<br>Visit: cascademotosafety.com<br>Call: 360.969.1710 | **DEFENSIVE DRIVING SCHOOL OF OAK HARBOR**<br>Visit: Driving-school.com<br>Call: 360.848.0686<br>Address: 520 E Whidbey Ave, Oak Harbor, WA |
| **MUNROS' DRIVING INSTRUCTION INC.**<br>Visit: Driving-school.com<br>Call: 360.848.0686<br>Address: 520 E Whidbey Ave, Oak Harbor, WA | |

REMEMBER YOUR HIGH-VISIBILITY PROTECTIVE GEAR!

# LEARN HOW TO USE A CAR SEAT OR BOOSTER SEAT:

**READ 2025 LATCH MANUAL**
www.saferidenews.com

Contact:

Denise Donaldson, CPST-I
Safe Ride News Publications
Publisher/Editor
P.O. Box 136
Greenbank, WA 98253
425.640.5710 (local)
800.403.1424

**SAFE KIDS SNOHOMISH COUNTY**
Safe Kids Snohomish County will provide assistance and car seat checks for Camano Island residents.

https://www.southsnofire.org/community-programs/safe-kids-coalition

https://stanwoodwa.org/476/Car-Seat-Safety-Checks

Car seat class form: https://us02web.zoom.us/meeting/register/tZEkcOutpj8iHN0H3nYnJjh1a1BCdYDk2AdB#/registration

**NORTH WHIDBEY OAK HARBOR FIRE STATION**

855 E Whidbey Ave
Oak Harbor, WA 98277
Phone: 360.675.1131
Contact: Ashley Byer

*Appointments are required. To reserve your time slot, send us an email: carseatsNW@gmail.com*

**SOUTH WHIDBEY FIRE/EMS CAR SEAT SAFETY PROGRAM**
https://www.swfe.org/programs-and-education

*Free car seat checks are by appointment only.Email: carseats@swfe.org to schedule*

**SAFE KIDS NORTHWEST**
https://www.safekidsnorthwest.org/car-seat-checkup-locations.html

4 – 6PM 2nd Tuesday of the Month
Whidbey General Hospital
101 N. Main St, Coupeville, WA 98239

*Email: safekidsnorthwest@gmail.com to locate a car seat technician near you.*

APPENDIX A

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# COMPREHENSIVE SAFETY ACTION PLAN

# 2025 Safe Streets and Roads for All
# Self-Certification Eligibility Worksheet

All applicants should follow the instructions in the NOFO to correctly apply for a grant. See the SS4A website for more information.

Table 1 of the SS4A NOFO describes seven components of an Action Plan, which correspond to the questions in this worksheet. Applicants should use this worksheet to determine whether their existing plan(s) contains the required components to be considered an eligible Action Plan for SS4A.

This worksheet is required for all SS4A **Implementation Grant** applications and any **Planning and Demonstration Grant applications to conduct Supplemental Planning/Demonstration Activities only**. Please complete the form in its entirety, do not adjust the formatting or headings of the worksheet, and upload the completed PDF with your application.

## Eligibility

An Action Plan is considered eligible for an SS4A application for an Implementation Grant or a Planning and Demonstration Grant to conduct Supplemental Planning/Demonstration Activities if the following two conditions are met:

- You can answer "YES" to Questions **3, 6,** and **8** in this worksheet; *and*
- You can answer "YES" to **at least three of the five remaining** Questions, **1, 2, 4, 5,** and **7.**

If both conditions are not met, an applicant is still eligible to apply for a Planning and Demonstration Grant to fund the creation of a new Action Plan or updates to an existing Action Plan to meet SS4A requirements.

## Applicant Information

**Lead Applicant:** _____ **UEI:** _____

## Action Plan Documents

In the table below, list the relevant Action Plan and any additional plans or documents that you reference in this form. **Up to three plans or documents may be included**. Please provide a hyperlink to any documents available online or indicate that the Action Plan or other documents will be uploaded in Valid Eval as part of your application. Note that, to be considered an eligible Action Plan for SS4A, the plan(s) coverage must be broader than just a corridor, neighborhood, or specific location.

| Document Title | Link | Date of Most Recent Update |
|---|---|---|
| | | |
| | | |
| | | |

# Action Plan Components

For each question below, answer "YES" or "NO." If "YES," list the relevant plan(s) or supporting documentation that address the condition and the specific page number(s) in each document that corroborates your response. This form provides space to reference multiple plans, but please list only the most relevant document(s).

## 1. Leadership Commitment and Goal Setting

Are **BOTH** of the following true?

- A high-ranking official and/or governing body in the jurisdiction publicly committed to an eventual goal of zero roadway fatalities and serious injuries; and
- The commitment includes either setting a target date to reach zero OR setting one or more targets to achieve a reduction in roadway fatalities and serious injuries by a specific date.

☐ **YES**

☐ **NO**

*Note: This may include a resolution, policy, ordinance, executive order, or other official announcement from a high-ranking official and the official adoption of a plan that includes the commitment by a legislative body.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
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| | |

## 2. Planning Structure

To develop the Action Plan, was a committee, task force, implementation group, or similar body established and charged with the plan's development, implementation, and monitoring?

☐ **YES**

☐ **NO**

*Note: This should include a description of the membership of the group and what role they play in the development, implementation, and monitoring of the Action Plan.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
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| | |

## 3. Safety Analysis

Does the Action Plan include **ALL** of the following?

- Analysis of existing conditions and historical trends to provide a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region;
- Analysis of the location(s) of crashes, the severity, contributing factors, and crash types;
- Analysis of systemic and specific safety needs, as needed (e.g., high-risk road features or specific safety needs of relevant road users); and,
- A geospatial identification (geographic or locational data using maps) of higher risk locations.

☐ **YES**

☐ **NO**

*Note: Availability and level of detail of safety data may vary greatly by location. The Fatality and Injury Reporting System Tool (FIRST) provides county- and city-level data. When available, local data should be used to supplement nationally available data sets.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
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## 4. Engagement and Collaboration

Did development of the Action Plan include **ALL** of the following activities?

- Engagement with the public and relevant stakeholders, including the private sector and community groups;
- Incorporation of information received from the engagement and collaboration into the plan; and
- Coordination that included inter- and intra-governmental cooperation and collaboration, as appropriate.

☐ **YES**

☐ **NO**

*Note: This should include a description of public meetings, participation in public and private events, and proactive meetings with stakeholders.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
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## 5. Policy and Process Changes

Are **BOTH** of the following true?

- The plan development included an assessment of current policies, plans, guidelines, and/or standards to identify opportunities to improve how processes prioritize safety; and
- The plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards.

☐ **YES**

☐ **NO**

*Note: This may include existing and/or recommended Complete Streets policy, guidelines for community engagement and collaboration, policy for prioritizing areas of greatest need, local laws (e.g., speed limit), design guidelines, and other policies and processes that prioritize safety.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
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## 6. Strategy and Project Selections

Does the plan identify a comprehensive set of projects and strategies to address the safety problems in the Action Plan, with information about time ranges when projects and strategies will be deployed, and an explanation of project prioritization criteria?

☐ **YES**

☐ **NO**

*Note: This should include one or more lists of community-wide multi-modal and multi-disciplinary projects that respond to safety problems and reflect community input and a description of how your community will prioritize projects in the future.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
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## 7. Progress and Transparency

Does the plan include **BOTH** of the following?

- A description of how progress will be measured over time that includes, at a minimum, outcome data.
- The plan is posted publicly online.

☐ **YES**

☐ **NO**

*Note: This should include a progress reporting structure and list of proposed metrics.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
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## 8. Action Plan Date

Was at least one of your plans finalized and/or last updated between 2020 and June 26, 2025?

☐ **YES**

☐ **NO**

*Note: Updates may include major revisions, updates to the data used for analysis, status updates, or the addition of supplemental planning documents, including but not limited to an ADA Transition Plan, one or more Road Safety Audits conducted in high-crash locations, or a Vulnerable Road User Plan.*

If "YES," please list your most recent document, date of finalization, and page number(s) that corroborate your response.

| Document Title | Date of Most Recent Update | Page Number(s) |
|---|---|---|
| | | |

# 2024 Safe Streets and Roads for All
# Self-Certification Eligibility Worksheet

All applicants should follow the instructions in the NOFO to correctly apply for a grant. See the SS4A website for more information.

Table 1 of the SS4A NOFO describes eight components of an Action Plan, which correspond to the questions in this worksheet. Applicants should use this worksheet to determine whether their existing plan(s) contains the required components to be considered an eligible Action Plan for SS4A.

This worksheet is required for all SS4A **Implementation Grant** applications and any **Planning and Demonstration Grant applications to conduct Supplemental Planning/Demonstration Activities only**. Please complete the form in its entirety, do not adjust the formatting or headings of the worksheet, and upload the completed PDF with your application.

## Eligibility

An Action Plan is considered eligible for an SS4A application for an Implementation Grant or a Planning and Demonstration Grant to conduct Supplemental Planning/Demonstration Activities if the following two conditions are met:

- You can answer "YES" to Questions **3, 7,** and **9** in this worksheet; *and*
- You can answer "YES" to **at least four of the six remaining** Questions, **1, 2, 4, 5, 6**, and **8.**

If both conditions are not met, an applicant is still eligible to apply for a Planning and Demonstration Grant to fund the creation of a new Action Plan or updates to an existing Action Plan to meet SS4A requirements.

## Applicant Information

**Lead Applicant:** _____ **UEI:** _____

## Action Plan Documents

In the table below, list the relevant Action Plan and any additional plans or documents that you reference in this form. Please provide a hyperlink to any documents available online or indicate that the Action Plan or other documents will be uploaded in Valid Eval as part of your application. Note that, to be considered an eligible Action Plan for SS4A, the plan(s) coverage must be broader than just a corridor, neighborhood, or specific location.

| Document Title | Link | Date of Most Recent Update |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

# Action Plan Components

For each question below, answer "YES" or "NO." If "YES," list the relevant plan(s) or supporting documentation that address the condition and the specific page number(s) in each document that corroborates your response. This form provides space to reference multiple plans, but please list only the most relevant document(s).

## 1. Leadership Commitment and Goal Setting

Are **BOTH** of the following true?

- A high-ranking official and/or governing body in the jurisdiction publicly committed to an eventual goal of zero roadway fatalities and serious injuries; and
- The commitment includes either setting a target date to reach zero OR setting one or more targets to achieve significant declines in roadway fatalities and serious injuries by a specific date.

☐ **YES**

☐ **NO**

*Note: This may include a resolution, policy, ordinance, executive order, or other official announcement from a high-ranking official and the official adoption of a plan that includes the commitment by a legislative body.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
| | |
| | |

## 2. Planning Structure

To develop the Action Plan, was a committee, task force, implementation group, or similar body established and charged with the plan's development, implementation, and monitoring?

☐ **YES**

☐ **NO**

*Note: This should include a description of the membership of the group and what role they play in the development, implementation, and monitoring of the Action Plan.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
| | |
| | |

## 3. Safety Analysis

Does the Action Plan include **ALL** of the following?

- Analysis of existing conditions and historical trends to provide a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region;
- Analysis of the location where there are crashes, the severity, as well as contributing factors and crash types;
- Analysis of systemic and specific safety needs, as needed (e.g., high-risk road features or specific safety needs of relevant road users); and,
- A geospatial identification (geographic or locational data using maps) of higher risk locations.

☐ **YES**

☐ **NO**

*Note: Availability and level of detail of safety data may vary greatly by location. The Fatality and Injury Reporting System Tool (FIRST) provides county- and city-level data. When available, local data should be used to supplement nationally available data sets.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
| | |
| | |

## 4. Engagement and Collaboration

Did the Action Plan development include **ALL** of the following activities?

- Engagement with the public and relevant stakeholders, including the private sector and community groups;
- Incorporation of information received from the engagement and collaboration into the plan; and
- Coordination that included inter- and intra-governmental cooperation and collaboration, as appropriate.

☐ **YES**

☐ **NO**

*Note: This should be a description of public meetings, participation in public and private events, and proactive meetings with stakeholders.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
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| | |

## 5. Equity Considerations

Did the Action Plan development include **ALL** of the following?

- Considerations of equity using inclusive and representative processes;
- The identification of underserved communities through data; and
- Equity analysis developed in collaboration with appropriate partners, including population characteristics and initial equity impact assessments of proposed projects and strategies.

☐ **YES**

☐ **NO**

*Note: This should include data that identifies underserved communities and/or reflects the impact of crashes on underserved communities, prioritization criteria that consider equity, or a description of meaningful engagement and collaboration with appropriate stakeholders.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
| | |
| | |

## 6. Policy and Process Changes

Are **BOTH** of the following true?

- The plan development included an assessment of current policies, plans, guidelines, and/or standards to identify opportunities to improve how processes prioritize safety; and
- The plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards.

☐ **YES**

☐ **NO**

*Note: This may include existing and/or recommended Complete Streets policy, guidelines for community engagement and collaboration, policy for prioritizing areas of greatest need, local laws (e.g., speed limit), design guidelines, and other policies and processes that prioritize safety.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
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## 7. Strategy and Project Selections

Does the plan identify a comprehensive set of projects and strategies to address the safety problems in the Action Plan, with information about time ranges when projects and strategies will be deployed, and an explanation of project prioritization criteria?

☐ **YES**
☐ **NO**

*Note: This should include one or more lists of community-wide multi-modal and multi-disciplinary projects that respond to safety problems and reflect community input and a description of how your community will prioritize projects in the future.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
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| | |

## 8. Progress and Transparency

Does the plan include **BOTH** of the following?

- A description of how progress will be measured over time that includes, at a minimum, outcome data.
- The plan is posted publicly online.

☐ **YES**
☐ **NO**

*Note: This should include a progress reporting structure and list of proposed metrics.*

If "YES," please list the relevant document(s) and page number(s) that corroborate your response.

| Document Title | Page Number(s) |
|---|---|
| | |
| | |
| | |

## 9. Action Plan Date

Was at least one of your plans finalized and/or last updated between 2019 and April 30, 2024?

☐ **YES**
☐ **NO**

*Note: Updates may include major revisions, updates to the data used for analysis, status updates, or the addition of supplemental planning documents, including but not limited to an Equity Plan, one or more Road Safety Audits conducted in high-crash locations, or a Vulnerable Road User Plan.*

If "YES," please list your most recent document(s), date of finalization, and page number(s) that corroborate your response.

| Document Title | Date of Most Recent Update | Page Number(s) |
|---|---|---|
| | | |

APPENDIX B

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# COMPREHENSIVE SAFETY ACTION PLAN

TOOLE DESIGN

# HIGH INJURY NETWORK AND INTERSECTION SCREENING

## IRTPO COMPREHENSIVE SAFETY ACTION PLAN

AUGUST 7, 2024

In partnership with DKS Associates

# HIGH INJURY NETWORK

Toole Design has prepared the following High Injury Network (HIN) maps as part of the IRTPO Comprehensive Safety Action Plan (CSAP). The following memo describes the consultant team's crash data sources, methodologies, and thresholds for the development of the maps created. Development of this HIN emphasizes that the key goal of the safety action plan is the elimination of fatal and serious injury crashes.

## Crash Data Sources

Crash data for the 5-year period of 2018-2022 was acquired from the Washington State Department of Transportation (WSDOT) for the IRTPO study area. The HIN maps used fatal and injury crash data.

## Sliding Windows Analysis Methodology

Sliding window analysis helps safety professionals better understand and quantify safety performance along a transportation network, identifying segments with the highest densities of severe crashes. The analysis works by determining the number and severity of crashes along a roadway segment (the window) and sliding that window along the network at set intervals. In this approach, the window is moved along a corridor, counting the number of crashes by density and severity by mode that occurred within each successive segment.

To perform this HIN analysis, all roads were split based on road segments, and then combined into corridors based on name and functional class. The analysis segment windows extended 0.5 miles in length and slid along the network at 0.1 mile increments. A lateral buffer of 25 feet on either side of the segment was used to capture crashes that may not be precisely aligned within the roadway.

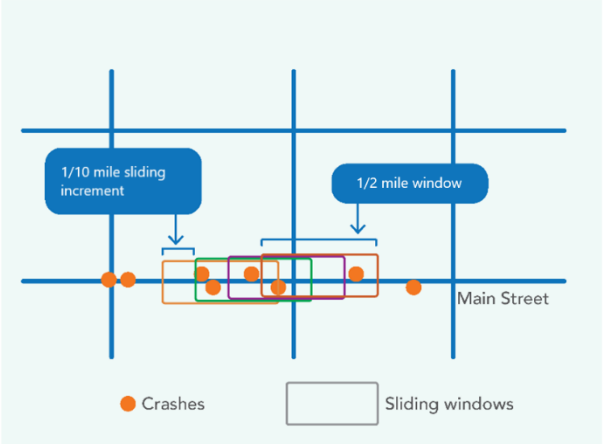


**Figure 1. Sliding Window Analysis**

Both intersection and segment crashes were included in this evaluation, as the focus was on overall corridor conditions. Crash events occurring within the bounds of an intersection were counted on both corridors for the purposes of identifying the HIN. An example of a sliding windows analysis is shown in Error! Reference source not found.. The sliding windows analysis was conducted for transportation modes that include bicycle, pedestrian, motorcycle, and motor vehicle. For crashes involving multiple modes, a crash was assigned a single mode based on the most vulnerable mode involved. For example, a crash between a motor vehicle and a bicyclist would be classified as a bicycle crash, but it would not be included in the "motor vehicles only" HIN analysis.

The score for each window was determined based on the frequency and severity of crashes by mode. Fatal and serious injury (K+A) crashes were given a weight of 3, other visibility injury (B) a weight of 2, complaint of pain (C) crashes a weight of 1, and PDO (O) crashes a weight of zero. Once the weights are established and applied to the crashes, the number of crashes is aggregated to each window, incorporating the crash severity weighting. For example, if a segment had one K crash, two A crashes, zero B crashes, two C crashes, and five O crashes, it would receive a score of 11; (1x3) + (2x3) + (0x2) + (2x1) + (5x0). This weighting places a greater focus on fatal and serious injury crashes.

# Development of High Injury Network

The development of an HIN is a key element of a safety plan to help identify where fatal and serious injury crashes have occurred at the greatest density over a period of time. The HIN development process involves counting fatal and serious injury crashes along each corridor throughout the region, calculating severity-weighted crash density scores for each corridor, and identifying roadway segments that meet an established score threshold for each transportation mode. The analysis process and related thresholds are described in the following sections.

## High Injury Network Process

The process of defining scoring thresholds and examining those segments with the highest scores is done using the following steps:

1. Map the sliding window analysis results for all modes collectively and each mode individually.
2. For each mode, determine the threshold score required to be included in the HIN for that mode. This step eliminates streets that have a lower severity-weighted crash density, prioritizing segments that have higher frequencies of severe crashes.
3. Produce maps that show the segments that meet the threshold for all modes collectively and each mode individually.

## High Injury Network Thresholds

Setting the sliding windows score threshold for each mode will determine which corridors are selected for inclusion in the HIN. These scores may differ by transportation mode. For example, a score of 3 may be high for the bicycle network, but relatively low for a motor vehicle network since there are generally more motor vehicle crashes than bicycle crashes. A segment that meets or exceeds the score threshold for that mode will be included in that mode's HIN. These thresholds generally summarize about 50% of the crashes in a subset of the roadway network. **The HIN for all modes contains 52% of the fatal and serious injury crashes on just 3.6% of the region's roadway miles.** The threshold scores used for the IRTPO CSAP are listed below.[1]

| Mode | Threshold Score |
|---|---|
| **All Modes** | 10 |
| **Pedestrian** | 3 |
| **Bicycle** | 3 |
| **Motorcycle** | 5 |
| **Motor Vehicle Only** | 10 |

**Figure 1** to **Figure 5** show the HINs for all crashes, pedestrian, bicycle, motorcycle, and motor vehicle modes, respectively, within the IRTPO study area.

[1] At least one motor vehicle is involved in every reported traffic crash in the WSDOT collision database.

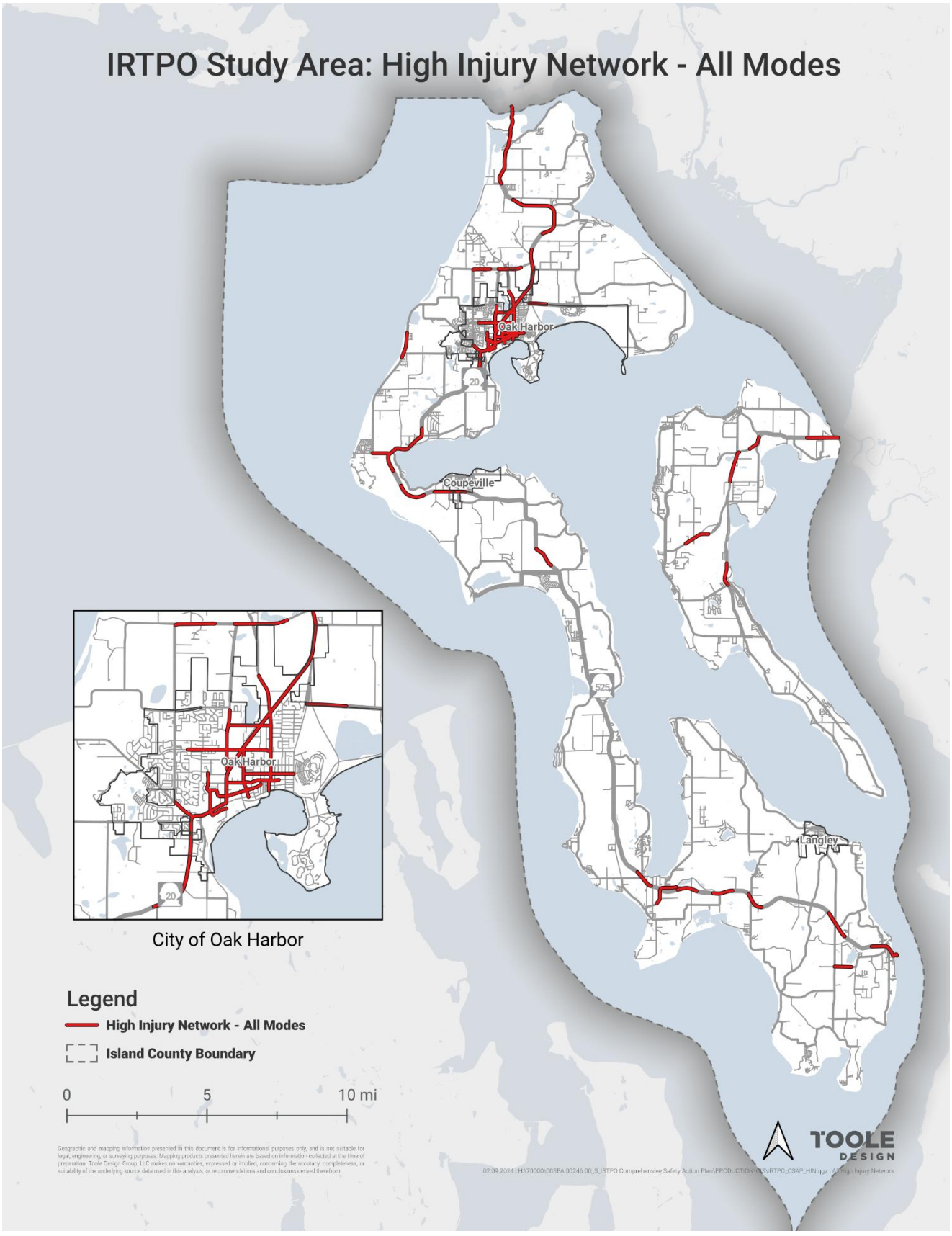


**Figure 1: High Injury Network – All Modes**

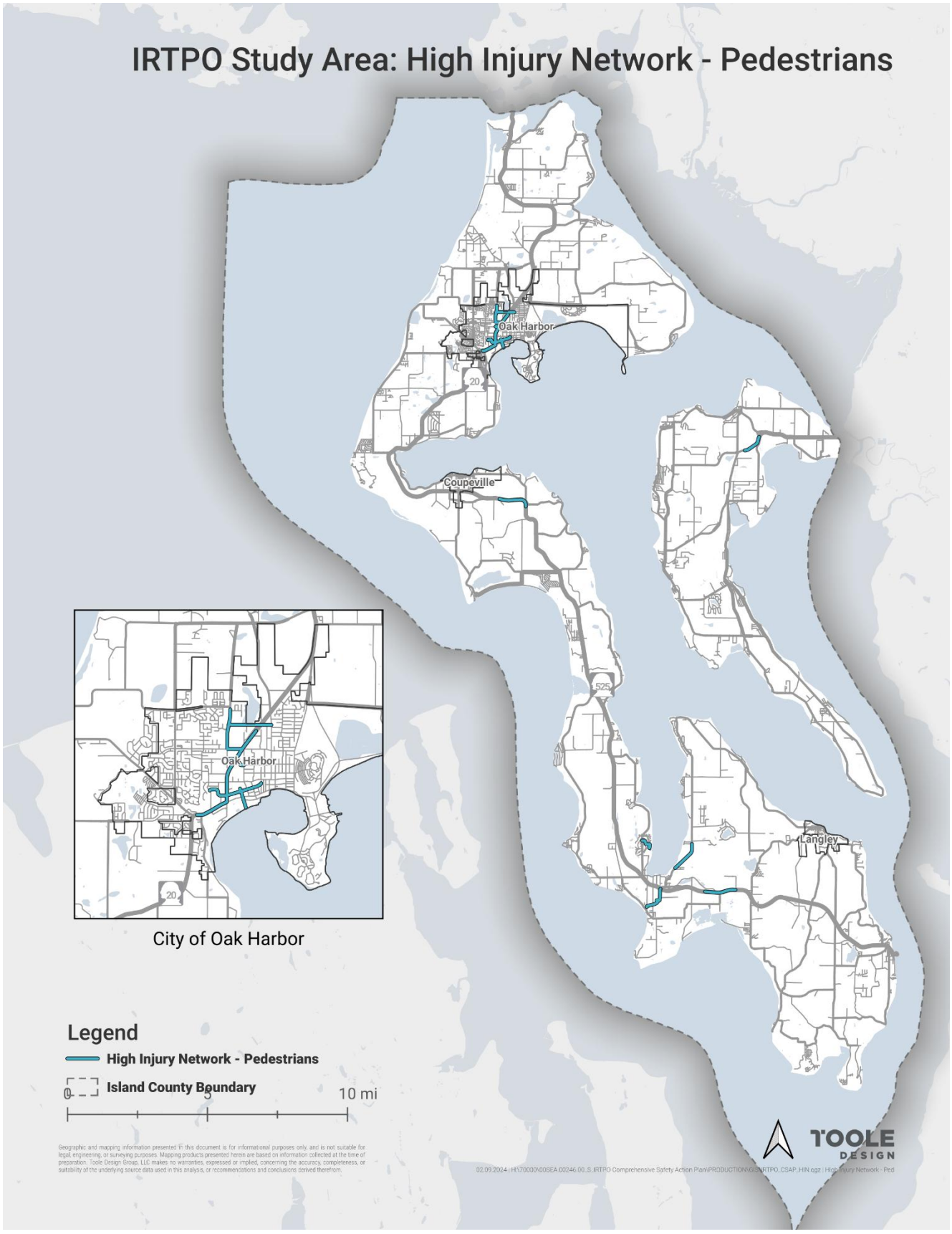


**Figure 2: High Injury Network - Pedestrians**

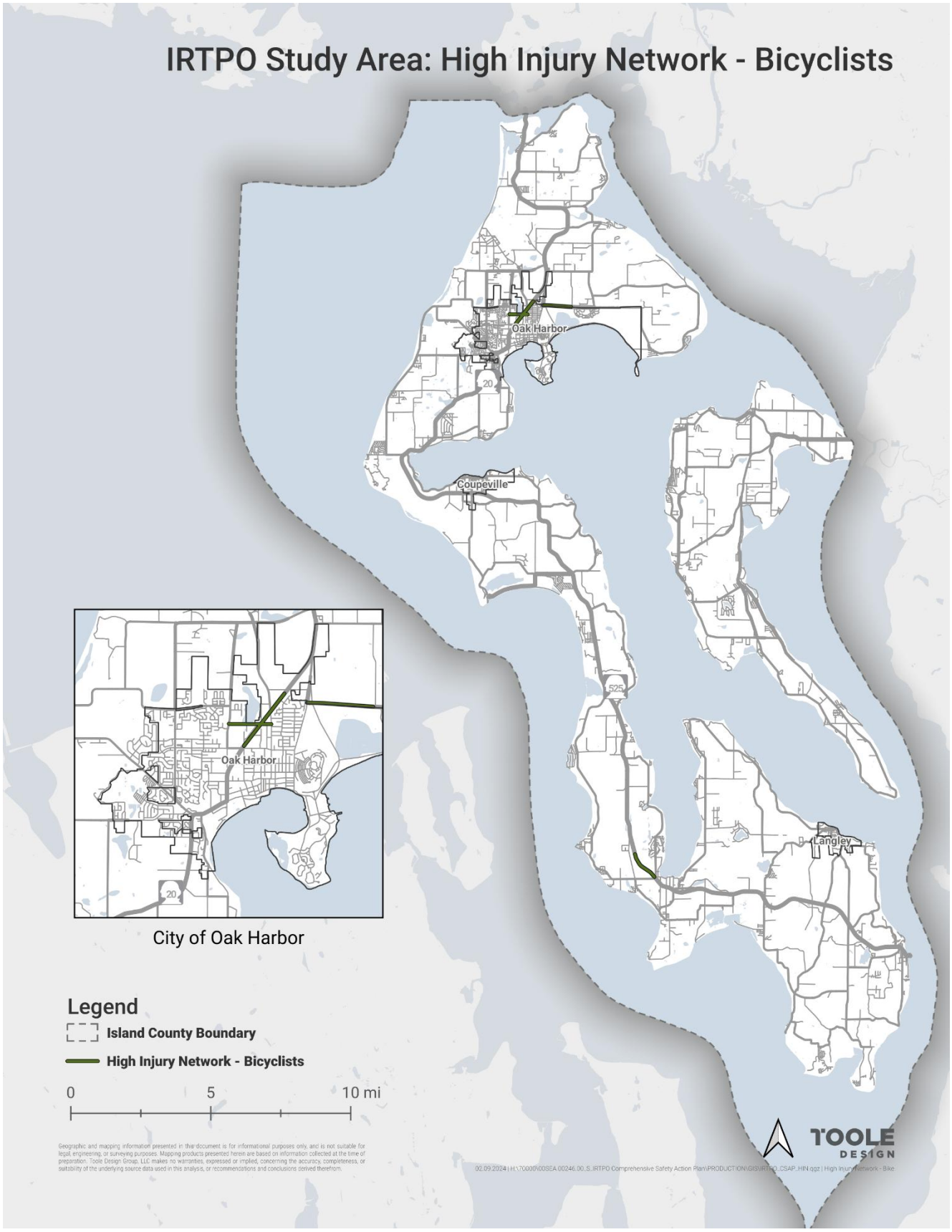


**Figure 3: High Injury Network - Bicyclists**

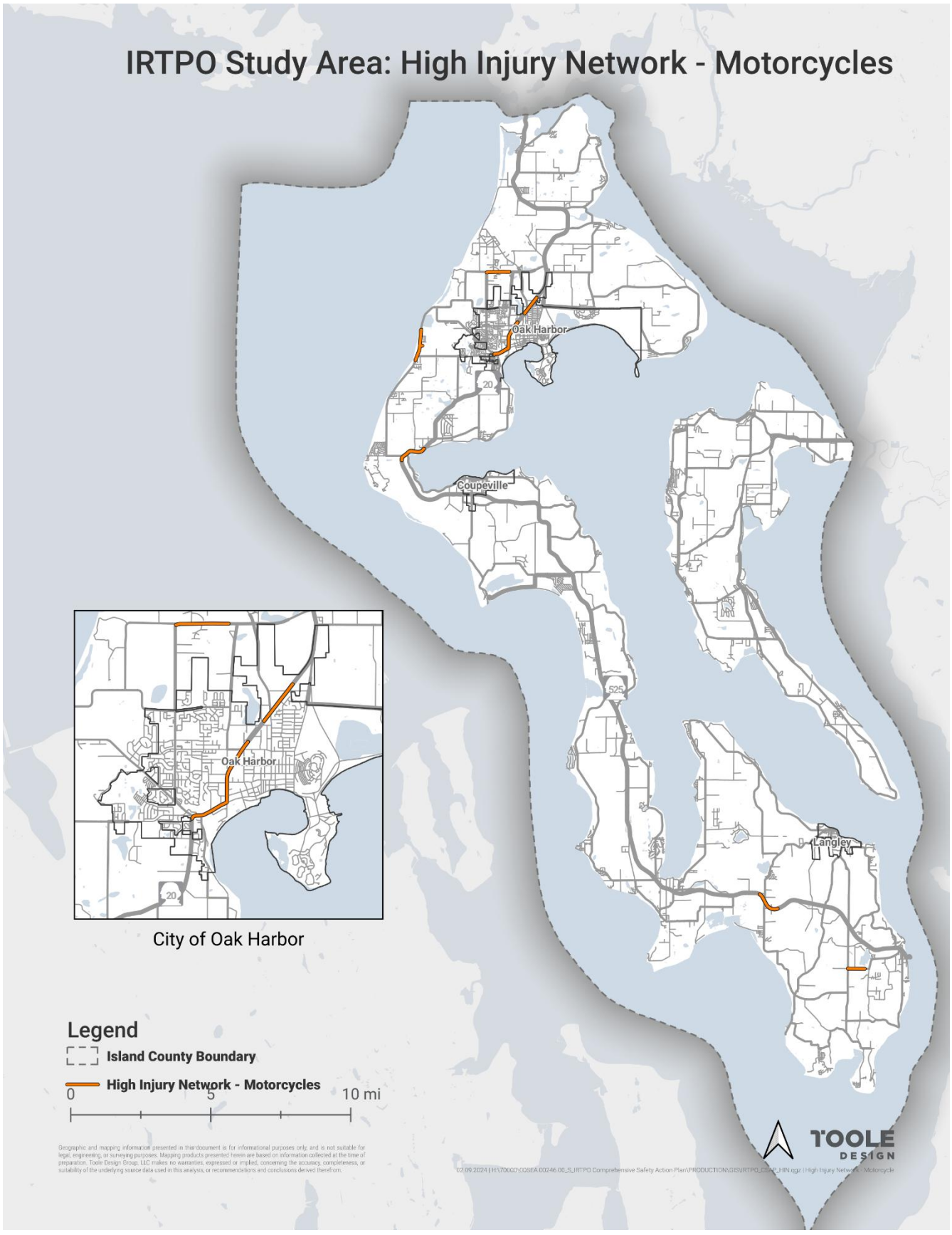


**Figure 4: High Injury Network - Motorcycles**

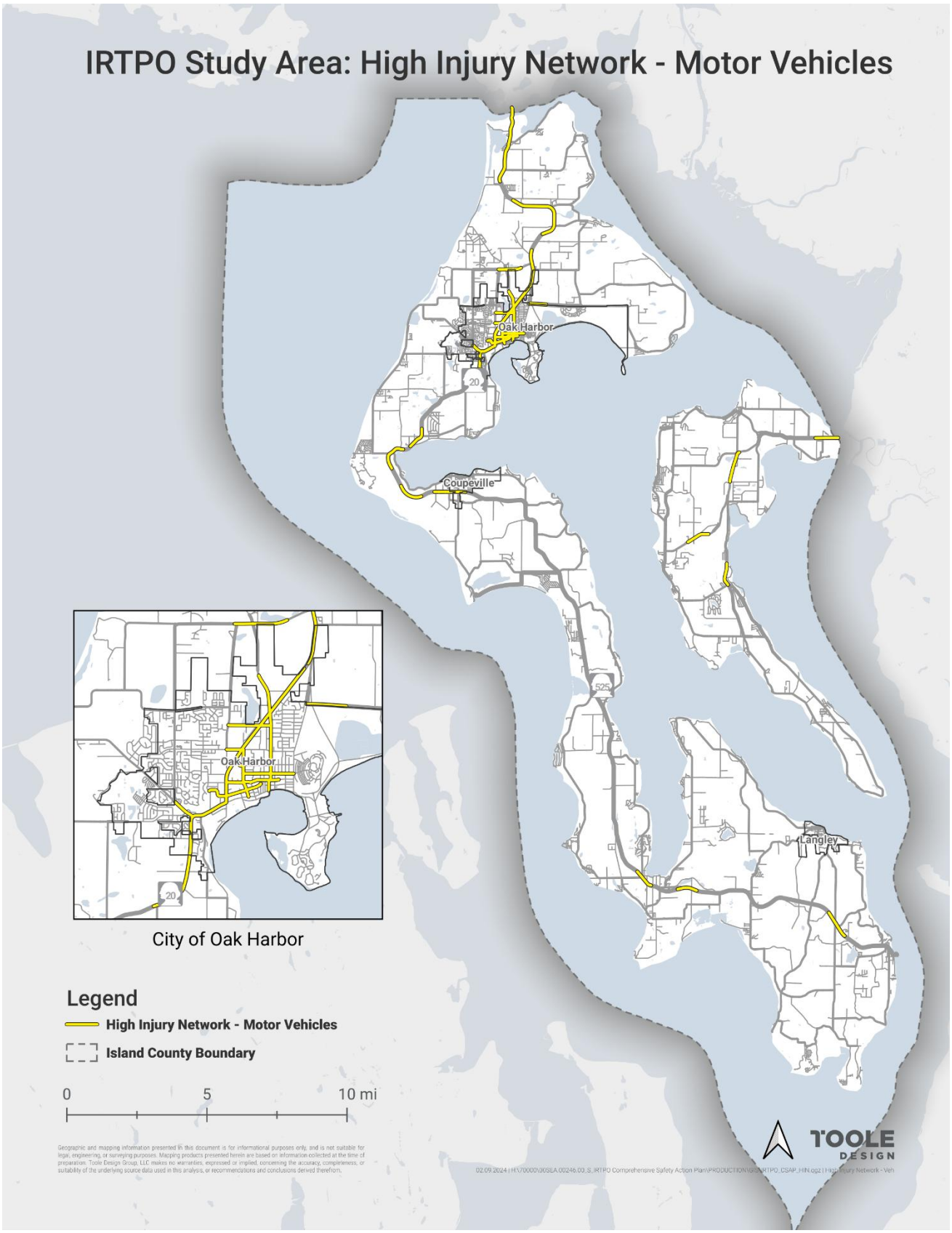


**Figure 5: High Injury Network – Motor Vehicles**

# INTERSECTION SCREENING

Toole Design has prepared the following Intersection Screening as part of the IRTPO CSAP, supporting Task 2.2, Crash Analysis. The following section describes the consultant team's crash data sources, methodologies, and results of the crash analysis.

## Crash Data Sources

Crash data for the 5-year period of 2018-2022 was acquired from the WSDOT for the IRTPO study area.

## Intersection Analysis Methodology and Results

Through geospatial analysis, the Toole Design team counted the number and severity of crashes within 100 feet of the center point of each intersection. **Table 1** shows the top 20 intersections ranked by number of all injury crashes.[2] **Table 2** to **Table 4** show the top intersections ranked by number of all injury crashes for the City of Oak Harbor, the Town of Coupeville, and the City of Langley, respectively.

**Figure 6** shows the results of the intersection analysis in the IRTPO study area.

**Table 1: Top 20 Intersections by Number of All Injury Crashes**

| No. | Intersection Name | Jurisdiction | All Injury Crashes | Killed and Severe Injury (KSI) Crashes | Pedestrian Crashes | Bicyclist Crashes |
|---|---|---|---|---|---|---|
| **1** | SR 20 & Barrington Drive | Oak Harbor | 14 | 1 | 4 | 1 |
| **2** | SR 20 & NE Midway Blvd/NE Goldie St | Oak Harbor | 11 | 0 | 0 | 0 |
| **3** | SR 20 & SW Erie St/SW Bayshore Dr | Oak Harbor | 10 | 1 | 0 | 0 |
| **4** | SE 6th Ave & SE Midway Blvd | Oak Harbor | 8 | 1 | 0 | 0 |
| **5** | SR 20 & E Whidbey Ave | Oak Harbor | 8 | 0 | 1 | 0 |
| **6** | SR 20 & S Ebey Rd/NW Broadway St | Unincorporated Island County (State Route) | 7 | 0 | 0 | 0 |
| **7** | SR 20 & SW Swantown Ave | Oak Harbor | 7 | 0 | 0 | 0 |
| **8** | SE Ely St & SE 8th Ave | Oak Harbor | 7 | 0 | 0 | 0 |
| **9** | SR 20 & SE 3rd Ave/SE Cabot Dr | Oak Harbor | 7 | 2 | 2 | 1 |
| **10** | SR 525 & Main St/Fish Rd | Unincorporated Island County (State Route) | 7 | 0 | 0 | 0 |
| **11** | SR 20 & NE 7th Ave | Oak Harbor | 6 | 1 | 0 | 1 |
| **12** | Torpedo Rd & W Crescent Harbor Rd | Oak Harbor | 6 | 0 | 0 | 0 |
| **13** | SR 20 & Libbey Rd | Unincorporated Island County (State Route) | 5 | 0 | 0 | 0 |
| **14** | Oak Harbor St & Whidbey Ave | Oak Harbor | 5 | 1 | 1 | 0 |
| **15** | SR 20 & W Troxell Rd/Soundview Ln | Unincorporated Island County (State Route) | 5 | 0 | 0 | 0 |
| **16** | SR 20 & W Fakkema Rd | Oak Harbor | 5 | 0 | 0 | 0 |
| **17** | SR 20 & W Frostad Rd | Unincorporated Island County (State Route) | 5 | 1 | 0 | 0 |
| **18** | SR 525 & Double Bluff Rd | Unincorporated Island County (State Route) | 5 | 0 | 0 | 0 |
| **19** | N East Camano Dr & Mcelroy Dr | Unincorporated Island County (State Route) | 5 | 0 | 0 | 0 |
| **20** | SR 532 & Smith Rd | Unincorporated Island County (State Route) | 5 | 0 | 0 | 0 |

[2] All Injury crashes are fatal injury, suspected serious injury, suspected minor injury, or possible injury (WA Police Traffic Collision Report Instructions Manual).

**Table 2: Top 20 Intersections by All Injury Crashes in the City of Oak Harbor**

| No. | Intersection Name | All Injury Crashes | Killed and Severe Injury (KSI) Crashes | Pedestrian Crashes | Bicyclist Crashes |
|---|---|---|---|---|---|
| **1** | SR 20 & Barrington Drive | 14 | 1 | 4 | 1 |
| **2** | SR 20 & NE Midway Blvd/NE Goldie St | 11 | 0 | 0 | 0 |
| **3** | SR 20 & SW Erie St/SW Bayshore Dr | 10 | 1 | 0 | 0 |
| **4** | SE 6th Ave & SE Midway Blvd | 8 | 1 | 0 | 0 |
| **5** | SR 20 & E Whidbey Ave | 8 | 0 | 1 | 0 |
| **6** | SR 20 & SW Swantown Ave | 7 | 0 | 0 | 0 |
| **7** | SE Ely St & SE 8th Ave | 7 | 0 | 0 | 0 |
| **8** | SR 20 & SE 3rd Ave/SE Cabot Dr | 7 | 2 | 2 | 1 |
| **9** | SR 20 & NE 7th Ave | 6 | 1 | 0 | 1 |
| **10** | Torpedo Rd & W Crescent Harbor Rd | 6 | 0 | 0 | 0 |
| **11** | Oak Harbor St & Whidbey Ave | 5 | 1 | 1 | 0 |
| **12** | SR 20 & W Fakkema Rd | 5 | 0 | 0 | 0 |
| **13** | W Whidbey Ave & SW Jib St | 4 | 0 | 0 | 0 |
| **14** | SR 20 & S Beeksma Dr/SE Pioneer Way | 4 | 0 | 0 | 0 |
| **15** | SR 20 & SW Barlow St | 3 | 1 | 0 | 0 |
| **16** | SR 20 & SW 8th Ave | 3 | 0 | 0 | 0 |
| **17** | SR 20 & SW 6th Ave | 3 | 1 | 0 | 1 |
| **18** | SE Bayshore Dr & SE Dock St | 3 | 1 | 1 | 1 |
| **19** | SE 8th Ave & SE Midway Blvd | 3 | 0 | 0 | 0 |
| **20** | SE 8th Ave & SE Ireland St | 3 | 0 | 0 | 0 |

**Table 3: Top 5 Intersections by All Injury Crashes in the Town of Coupeville**

| No. | Intersection Name | All Injury Crashes | Killed and Severe Injury (KSI) Crashes | Pedestrian Crashes | Bicyclist Crashes |
|---|---|---|---|---|---|
| **1** | SR20/S Ebey Rd/NW Broadway St | 7 | 0 | 0 | 0 |
| **2** | SR 20/N Main St | 2 | 1 | 0 | 0 |
| **3** | N Main St/NE Birch St | 2 | 0 | 0 | 0 |
| **4** | N Main S/NW 6th St | 1 | 0 | 1 | 0 |
| **5** | N Main St/NW Coveland St | 1 | 0 | 0 | 0 |

**Table 4: Top 2 Intersections by All Injury Crashes in the City of Langley**

| No. | Intersection Name | All Injury Crashes | Killed and Severe Injury (KSI) Crashes | Pedestrian Crashes | Bicyclist Crashes |
|---|---|---|---|---|---|
| **1** | Furman Ave/Cedar Cir/Sandy Point Rd | 1 | 0 | 0 | 1 |
| **2** | Sandy Point Rd/Camano Ave/Langley Rd | 1 | 0 | 0 | 0 |

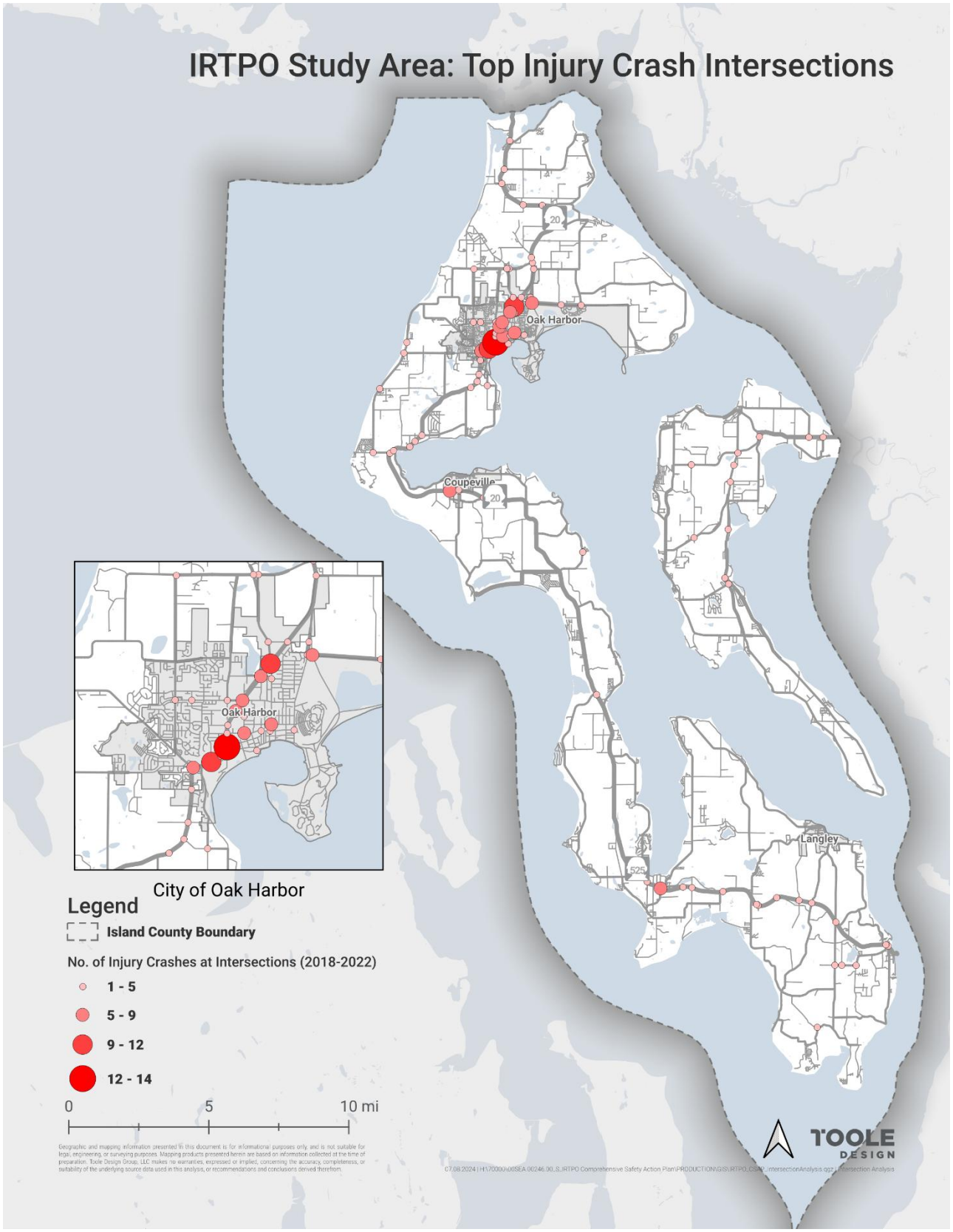


**Figure 6: Intersection Analysis Results**

APPENDIX C

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# COMPREHENSIVE SAFETY ACTION PLAN

TOOLE DESIGN

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SUITE 2020
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# MEMORANDUM

January 6, 2025

**To:** IRTPO
**Organization:** Island Regional Transportation Planning Organization
**From:** Alex DuVall, Kyle McGowan, Tariq Shihadah, Maimoona Rahim
**Project:** IRTPO Comprehensive Safety Action Plan

**Re: Task 2.2 Systemic Safety Analysis Technical Memorandum**

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The purpose of this memorandum is to document the systemic safety analysis process and results conducted as part of the IRTPO Comprehensive Safety Action Plan. This systemic analysis will help the agency identify roadway facilities with the greatest potential for safety improvements by identifying combinations of roadway attributes associated with higher frequencies serious crash frequencies.

## Systemic Screening Factors

One of the key outcomes of the systemic safety analysis process is the identification of roadway facility attributes that have been found to correlate with high crash frequency. These attributes are also known as systemic screening factors. Combinations of these factors identify roadway facility profiles that are associated with higher crash frequencies. However, it is important to note that this does not necessarily indicate a causal relationship, nor that these individual factors should necessarily be the target of treatments. For example, though the presence of nearby pedestrian generators may be found as a factor that correlates with elevated pedestrian crash frequencies, this does not mean that these generators should be removed, but instead that facilities near such generators may require additional safety investment.

Screening factors and roadway facility profiles should be studied from a practical and policy-driven perspective to determine what components may be reasonable targets of safety improvements and which should be viewed primarily as non-causal correlations.

**Table 1** includes all roadway segment attributes that were identified as candidate factors for consideration in the analysis. Factors considered in the analysis were limited by data quality and availability. Several equity factors were identified from the Equity Analysis Framework and were included in this analysis.

**Table 1. Factors Screened for Systemic Analysis**

| Screening Factor | Description |
|---|---|
| **Traffic Volume/Average Daily Traffic (ADT)** | 0-1,000 ADT, 1,001-10,000 ADT, >10,000 ADT |
| **Functional Class** | High = highways or arterials<br>Medium = collectors<br>Low = local and residential streets |
| **Speed Limit** | ≤30 MPH,<br>35-45 MPH<br>50+ MPH |
| **Roadway Setting** | Defined as either 'urban' or 'rural' based on Island County land use data. |
| **Equity Score** | Defined as 'Higher Need', 'Moderate Need', 'Lower Need', and 'No Need' |

## Analysis Process

The systemic analysis focused on the study period of 2018 through 2022. The target study roadway facilities included all public roadways in Island County. Consolidated roadway data was analyzed to retain all relevant roadway cross-sectional and contextual attributes.

The systemic analysis screening process is based on a decision tree machine learning algorithm where each factor is screened individually to determine whether the factor distinguishes between locations with relatively high or low average crash densities per mile. For categorical factors such as functional classification, speed limit, traffic volumes, and the equity, accessibility, economic, and livability indices, the algorithm considers each unique classification individually. The algorithm screens all factors recursively to identify the most correlated factors and continues until a set of factors is identified as a systemic safety network tier. **Figure 1** illustrates the decision tree algorithm where three correlated factors define a systemic safety network tier (facility profile).

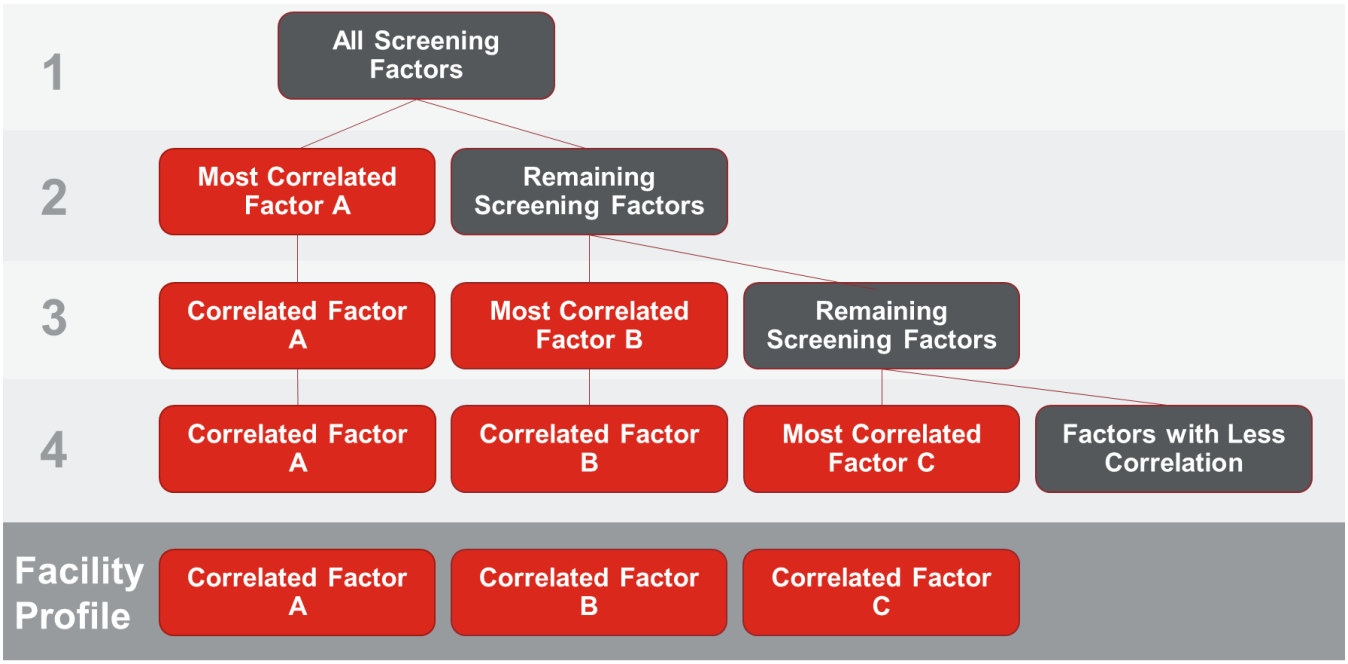


**Figure 1. Illustration of decision tree screening process**

## Crash Data Sources and Limitations

Law enforcement officers complete the State of Washington Motor Vehicle Collision Report (crash report) when investigating a roadway crash. The form captures information about the persons involved, location, crash factors, and other crash attributes. The data utilized in this analysis consists of injury crash data from 2018 through 2022 within Island County.

This analysis focuses on injury crashes defined as crashes that involved a fatality, also known as *K* severity crashes, according to the *KABCO* scale, as well as crashes that involved serious injury (A), other visible injuries (B), and complaints of pain (C).[1] Property damage only crashes (O) are excluded.

The analysis weighted crashes with a higher severity: fatal and serious (KA) crashes being weighted 3 times more than a 'C' crash, and 'B' crashes being weighted 2 times more than a 'C' crash.

Although crash reports are currently the best way to obtain information about a large number of crashes, they have limitations. Crash severity may have limited accuracy because officers completing reports typically do not have medical training, and victims of crashes may be unaware of internal injuries. The total number of crashes (especially vulnerable road users) may be underreported due to fears, language barriers, financial concerns, etc. Crash reports may not capture the effects of speed in crashes, as the first responders are typically on the scene after the crash has occurred and witnesses outside a crash are not typically interviewed about operator speed. Even when crash reports are perfect, they do not record near misses or the self-limiting behavior of travelers who do not feel safe in currently configured networks. It is useful to keep these limitations in mind when using crash data and to vet data with priority populations as part of the planning process.

[1] The KABCO scale is used to assess the severity of a crash. For more information, see: https://safety.fhwa.dot.gov/hsip/spm/conversion_tbl/pdfs/kabco_ctable_by_state.pdf

Focusing on high-severity crashes aligns with the goal of the Safe Streets and Roads for All (SS4A) program to eliminate fatalities and serious injuries through holistic safety solutions. This also directs attention to the most pressing transportation safety issues within IRTPO's jurisdiction, which correlates to Island County.

## Analysis Results

In the following subsections, systemic analysis results are broken out by crash mode, outlining the unique factors and priority rankings associated with each systemic safety tier. Each subsection provides definitions of unique tiers identified by the analysis and their associated factors, crash score and mileage metrics associated with these profiles, and a summary figure. Profiles are grouped into five tiers, from critical to minimal, highlighting the facilities that are associated with the highest to lowest correlation with severe crashes. Based on these profiles and their tiers, roadways associated with higher levels of crash correlation for each mode were identified.

### All Modes

Figures in this section represent results for all modes (motor vehicle, pedestrian, bicycle, and motorcycle) within the full study area.

**Table 2** indicates that the screening factors most effective at indicating elevated KABC crash frequency (facilities in Critical, High, and Medium tiers).

**Table 2. Systemic safety network tier definitions for all modes fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Screening Factor | | | | |
|---|---|---|---|---|---|
| | *Traffic Volume (ADT)* | *Functional Class* | *Roadway Setting* | *Speed Limit (MPH)* | *Equity Score* |
| **Critical** | >10,000 ADT | - | - | - | Lower to No Need |
| **Critical** | >10,000 ADT | - | - | - | Moderate to High Need |
| **High** | 0-10,000 ADT | High | - | - | - |
| **Medium** | 0-10,000 ADT | Medium | - | 50+ MPH | - |
| **Medium** | 0-10,000 ADT | Medium | - | ≤45 MPH | - |
| **Low** | 0-10,000 ADT | Low | Urban | - | Lower to No Need |
| **Minimal** | 0-10,000 ADT | Low | Urban | - | Moderate to High Need |
| **Minimal** | 0-10,000 ADT | Low | Rural | - | - |

Critical tier facilities are those with over 10,000 ADT, while High tier facilities are highway or arterial roads lower than 10,000 ADT. Medium tier facilities are collector streets with lower than 10,000 ADT.

The associated average fatal and injury crash frequency per mile as well as the relative mileage of each tier are summarized in **Table 3** and illustrated in **Figure 2**. About three-fourths (78.3%) of fatal and injury crashes in the study area are on Critical, High, and Medium tier facilities, but these facilities only represent 24.7% of the total roadway miles in the study area. This discrepancy is especially true for the Critical tier facilities – 3.5% of the total roadway miles in the study area are Critical tier facilities, but 37.8% of fatal and injury crashes occurred on those facilities.

**Table 3. Systemic safety network tier metrics for all modes fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Network Metrics | | | | |
|---|---|---|---|---|---|
| | *Avg. Crashes per Mile* | *Miles* | *Crashes* | *Miles Share* | *Crashes Share* |
| **Critical** | 4.43 | 134.03 | 594 | 3.5% | 37.8% |
| **High** | 1.63 | 127.29 | 207 | 3.3% | 13.2% |
| **Medium** | 0.62 | 687.43 | 428 | 17.9% | 27.3% |
| **Low** | 0.26 | 816.83 | 213 | 21.2% | 13.6% |
| **Minimal** | 0.06 | 2088.83 | 126 | 54.2% | 8.1% |

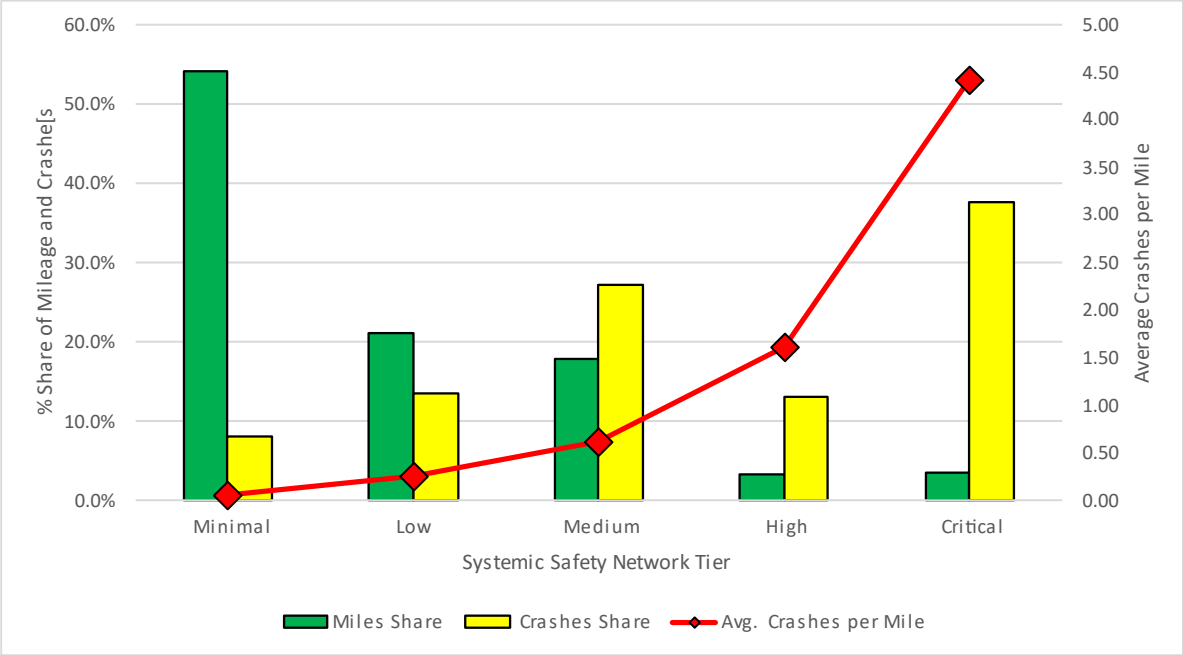


**Figure 2. Systemic safety network tier metrics for all modes fatal and injury crashes**

The corridors identified as 'Critical', 'High', and 'Medium' in the Systemic Safety analysis of all modes are shown in **Figure 3**.

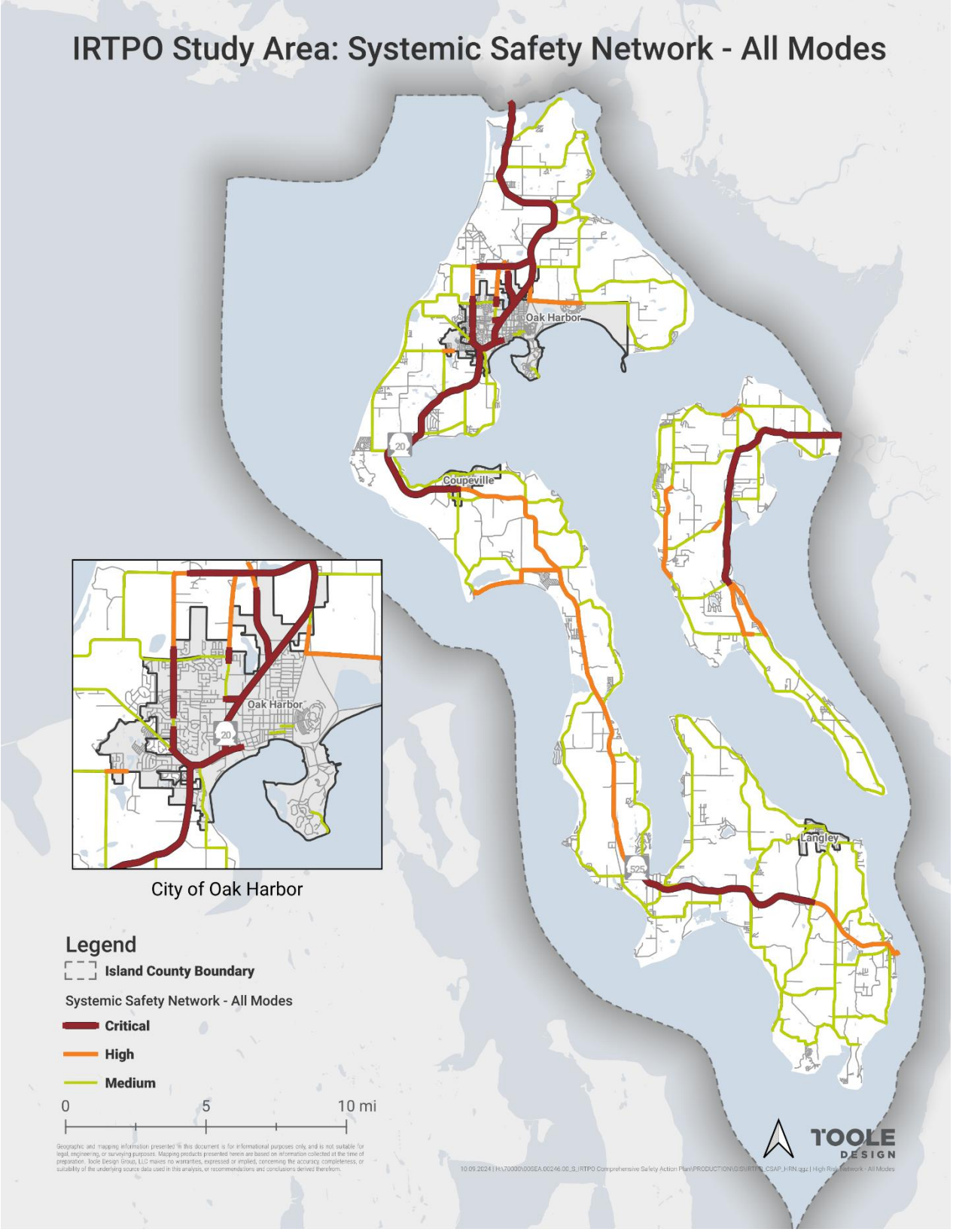


**Figure 3. Systemic Safety Network - All Modes**

## Motor Vehicles

Figures in this section represent results for motor vehicles within the full study area.

**Table 2** indicates that the screening factors most effective at indicating elevated KABC crash frequency (facilities in Critical, High, and Medium tiers).

**Table 4. Systemic safety network tier definitions for motor vehicle fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Screening Factor | | | | |
|---|---|---|---|---|---|
| | *Traffic Volume (ADT)* | *Functional Class* | *Roadway Setting* | *Speed Limit (MPH)* | *Equity Score* |
| **Critical** | >10,000 ADT | - | - | - | - |
| **High** | 0-10,000 ADT | High | - | - | - |
| **Medium** | 0-10,000 ADT | Medium | - | 50+ MPH | - |
| **Medium** | 0-10,000 ADT | Medium | - | ≤45 MPH | - |
| **Low** | 0-10,000 ADT | Low | Urban | - | Low to No Need |
| **Minimal** | 0-10,000 ADT | Low | Urban | - | Moderate to High Need |
| **Minimal** | 0-10,000 ADT | Low | Rural | - | - |

Critical tier facilities are those with over 10,000 ADT, while High tier facilities are highway or arterial roads lower than 10,000 ADT. Medium tier facilities are collector streets with lower than 10,000 ADT.

The associated average fatal and injury crash frequency per mile as well as the relative mileage of each facility are summarized in **Table 5** and illustrated in **Figure 2**. 81.3% of fatal and injury crashes in the study area are on Critical, High, and Medium tier facilities, but these facilities only represent 24.7% of the total roadway miles in the study area.

**Table 5. Systemic safety network tier metrics for motor vehicle fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Network Metrics | | | | |
|---|---|---|---|---|---|
| | *Avg. Crashes per Mile* | *Miles* | *Crashes* | *Miles Share* | *Crashes Share* |
| **Critical** | 3.83 | 134.03 | 513 | 3.5% | 40.1% |
| **High** | 1.34 | 127.29 | 171 | 3.3% | 13.4% |
| **Medium** | 0.52 | 687.43 | 355 | 17.9% | 27.8% |
| **Low** | 0.18 | 816.83 | 143 | 21.2% | 11.2% |
| **Minimal** | 0.05 | 2088.83 | 97 | 54.2% | 7.6% |

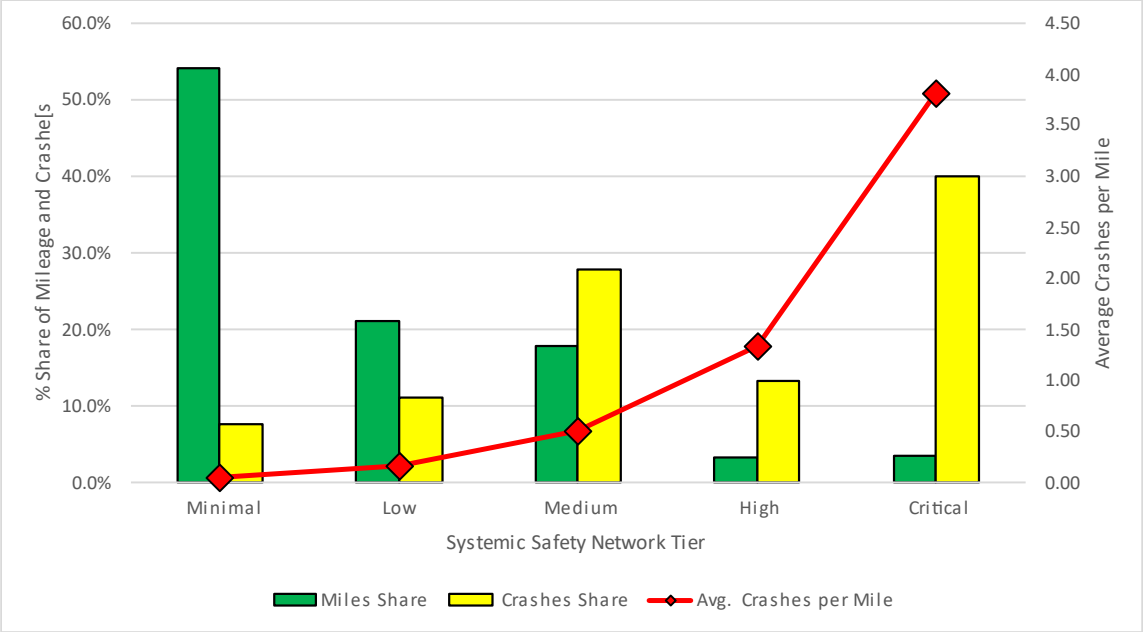


**Figure 4. Systemic Safety Network tier metrics for motor vehicle fatal and injury crashes**

The corridors identified as ‘Critical’, ‘High’, and ‘Medium’ in the Systemic Safety Analysis for motor vehicle crashes are shown in **Figure 5.**

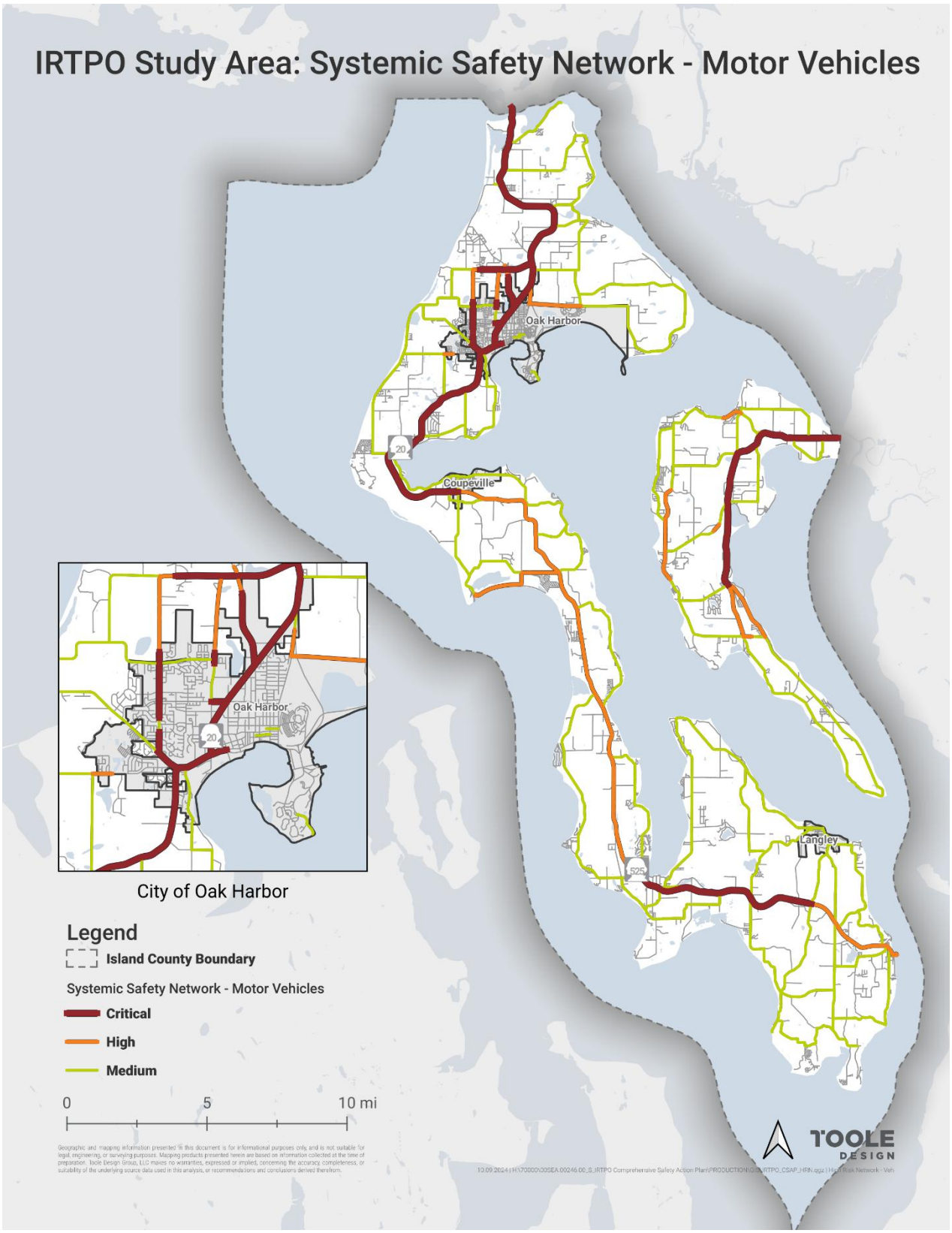


**Figure 5. Systemic Safety Network – Motor Vehicles**

## Pedestrians

Figures in this section represent results for pedestrians within the full study area.

**Table 6** indicates that the screening factors most effective at indicating elevated KABC pedestrian crash frequency (facilities in Critical, High, and Medium tiers).

**Table 6. Systemic safety network tier definitions for pedestrian fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Screening Factor | | | | |
|---|---|---|---|---|---|
| | *Traffic Volume (ADT)* | *Functional Class* | *Roadway Setting* | *Speed Limit (MPH)* | *Equity Score* |
| **Critical** | >10,000 ADT | - | - | - | Lower to No Need |
| **High** | 1,000-10,000 ADT | Low | - | - | - |
| **Medium** | >10,000 ADT | - | - | - | Moderate to High Need |
| **Low** | 1,000-10,000 ADT | Medium to High | - | - | - |
| **Low** | 0-1,000 ADT | - | Urban | - | - |
| **Minimal** | 0-1,000 ADT | - | Rural | - | - |

Critical tier facilities are roads with >10,000 ADT in areas that have a lower to no need equity scoring. High tier facilities are roads with 1,000-10,000 ADT. Medium tier facilities are roadway with less than 10,000 ADT with moderate to high equity scoring.

The associated average fatal and injury crash frequency per mile as well as the relative mileage of each facility are summarized in **Table 7** and illustrated in **Figure 6**. Just under half (42.0%) of pedestrian injury crashes in the study area are on Critical, High, and Medium tier facilities, but these facilities only represent 5.5% of the total roadway miles in the study area.

**Table 7. Systemic safety network tier metrics for pedestrian fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Network Metrics | | | | |
|---|---|---|---|---|---|
| | *Avg. Crashes per Mile* | *Miles* | *Crashes* | *Miles Share* | *Crashes Share* |
| **Critical** | 0.19 | 73.18 | 14 | 1.9% | 20.3% |
| **High** | 0.16 | 76.75 | 12 | 2.0% | 17.4% |
| **Medium** | 0.05 | 60.85 | 3 | 1.6% | 4.3% |
| **Low** | 0.02 | 1909.16 | 34 | 49.5% | 49.3% |
| **Minimal** | 0.00 | 1734.46 | 6 | 45.0% | 8.7% |

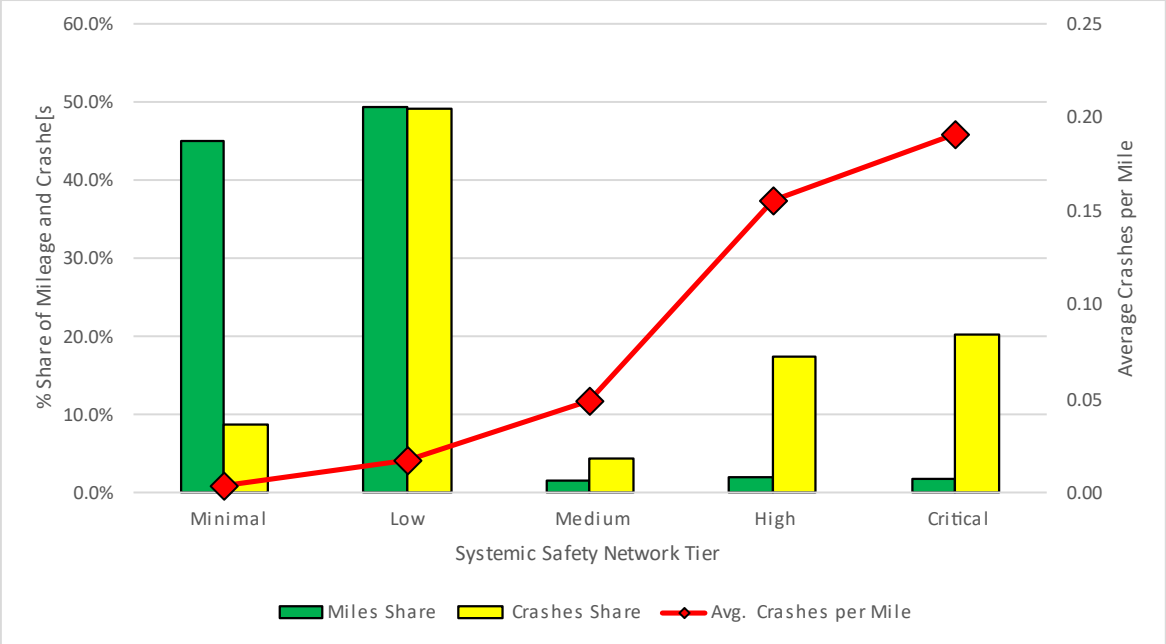


**Figure 6. Systemic Safety Network tier metrics for pedestrian fatal and injury crashes**

The corridors identified as ‘Critical’, ‘High’, and ‘Medium’ in the Systemic Safety Analysis for pedestrian crashes are shown in **Figure 7**.

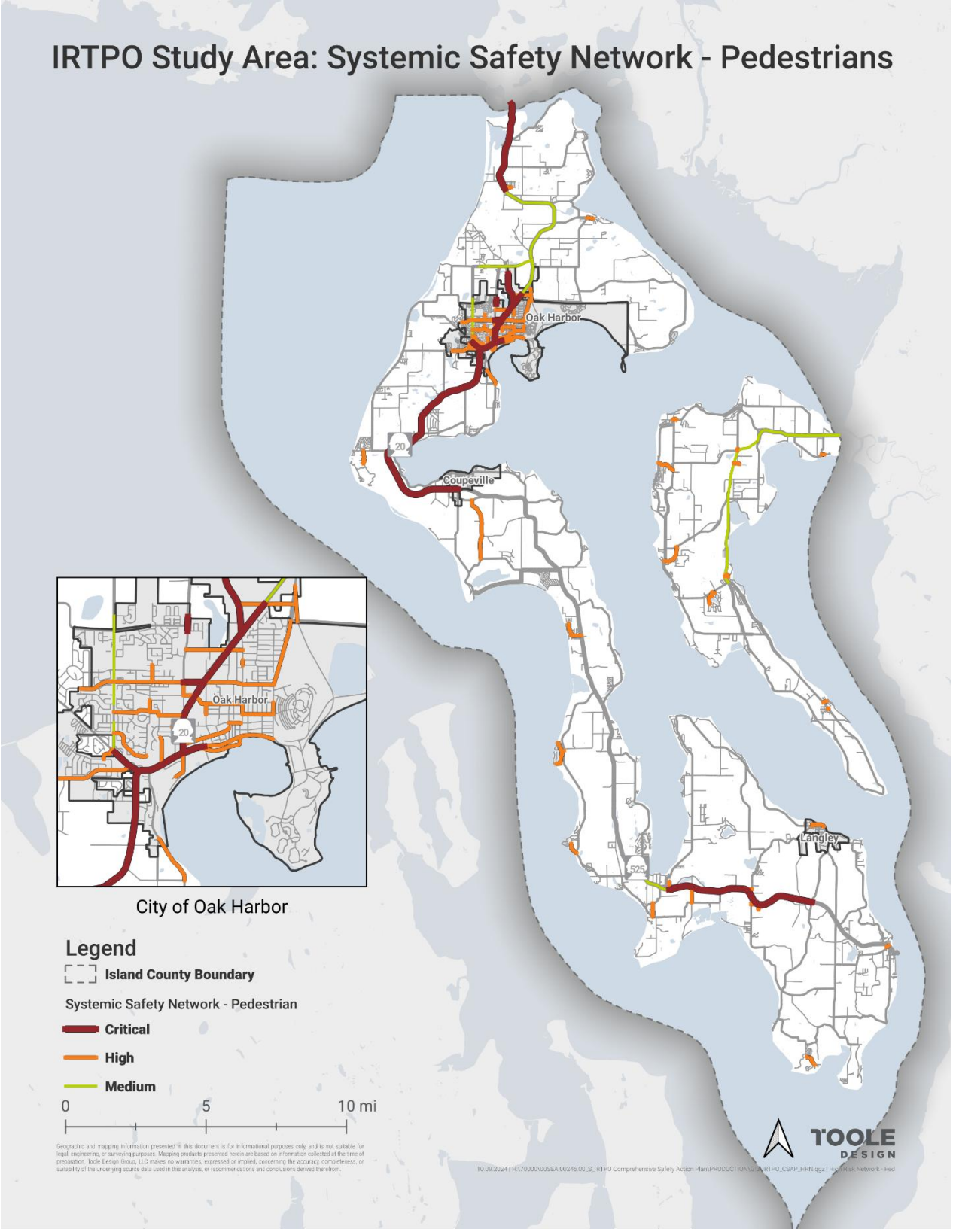


**Figure 7. Systemic Safety Network – Pedestrians**

## Bicyclists

Figures in this section represent results for bicyclists within the full study area.

**Table 8** indicates that the screening factors most effective at indicating elevated KABC bicyclist crash frequency (facilities in Critical, High, and Medium tiers).

**Table 8. Systemic safety network tier definitions for bicycle fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Screening Factor | | | | |
|---|---|---|---|---|---|
| | *Traffic Volume (ADT)* | *Functional Class* | *Roadway Setting* | *Speed Limit (MPH)* | *Equity Score* |
| **Critical** | - | High | Urban | - | Low to Higher Need |
| **Critical** | - | Medium | - | ≤30 MPH | - |
| **High** | - | High | Urban | ≤30 MPH | No Need |
| **Medium** | - | High | Rural | - | - |
| **Low** | - | Medium | - | 35+ MPH | - |
| **Minimal** | - | Low | - | - | - |

Critical tier facilities are highways and arterial roads in urban areas with a low to higher need and collector roads with 30 MPH or less speed limit. High tier facilities are highways and arterial roads in urban areas with speed limits of ≤30 MPH with no equity need. Medium tier facilities are highway and arterial roads in rural areas.

The associated average fatal and injury crash frequency per mile as well as the relative mileage of each facility are summarized in **Table 9** and illustrated in **Figure 8**. About half (45.5%) of bicycle injury crashes in the study area are on Critical, High, and Medium tier facilities, but these facilities only represent 4.9% of the total roadway miles in the study area.

**Table 9. Systemic safety network tier metrics for bicycle fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Network Metrics | | | | |
|---|---|---|---|---|---|
| | *Avg. Crashes per Mile* | *Miles* | *Crashes* | *Miles Share* | *Crashes Share* |
| **Critical** | 0.12 | 122.72 | 15 | 3.2% | 34.1% |
| **High** | 0.08 | 66.64 | 5 | 1.7% | 11.4% |
| **Medium** | 0.02 | 80.97 | 2 | 2.1% | 4.5% |
| **Low** | 0.02 | 677.58 | 12 | 17.6% | 27.3% |
| **Minimal** | 0.00 | 2906.49 | 10 | 75.4% | 22.7% |

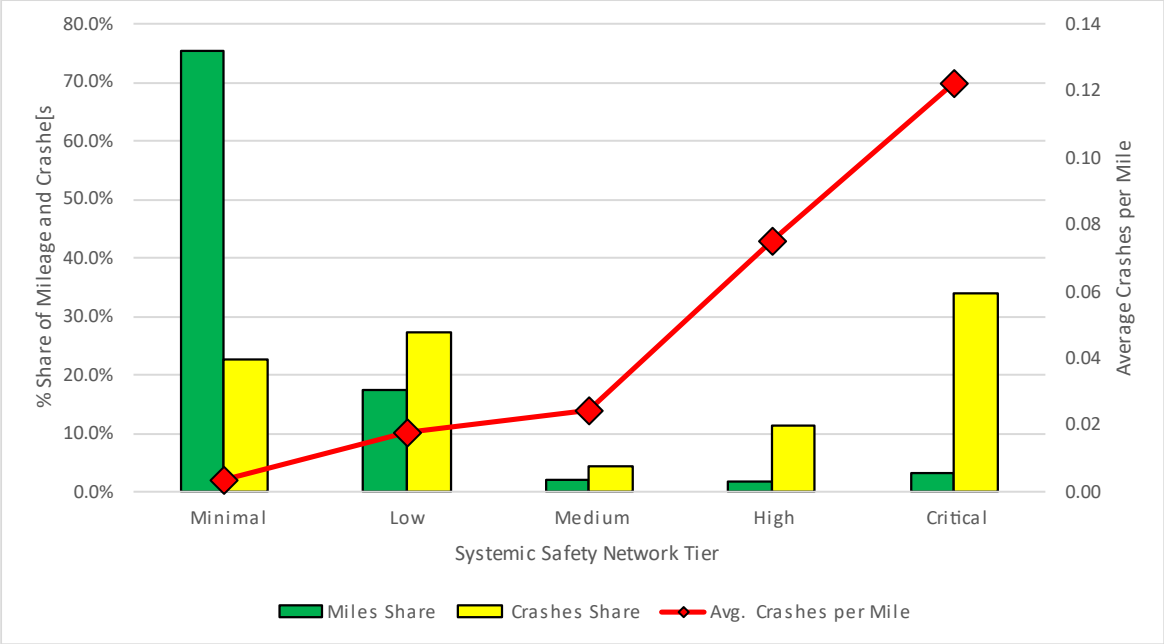


**Figure 8. Systemic Safety Network tier metrics for bicycle fatal and injury crashes**

The corridors identified as ‘Critical’, ‘High’, and ‘Medium’ in the Systemic Safety analysis for bicycle crashes are shown in **Figure 9**.

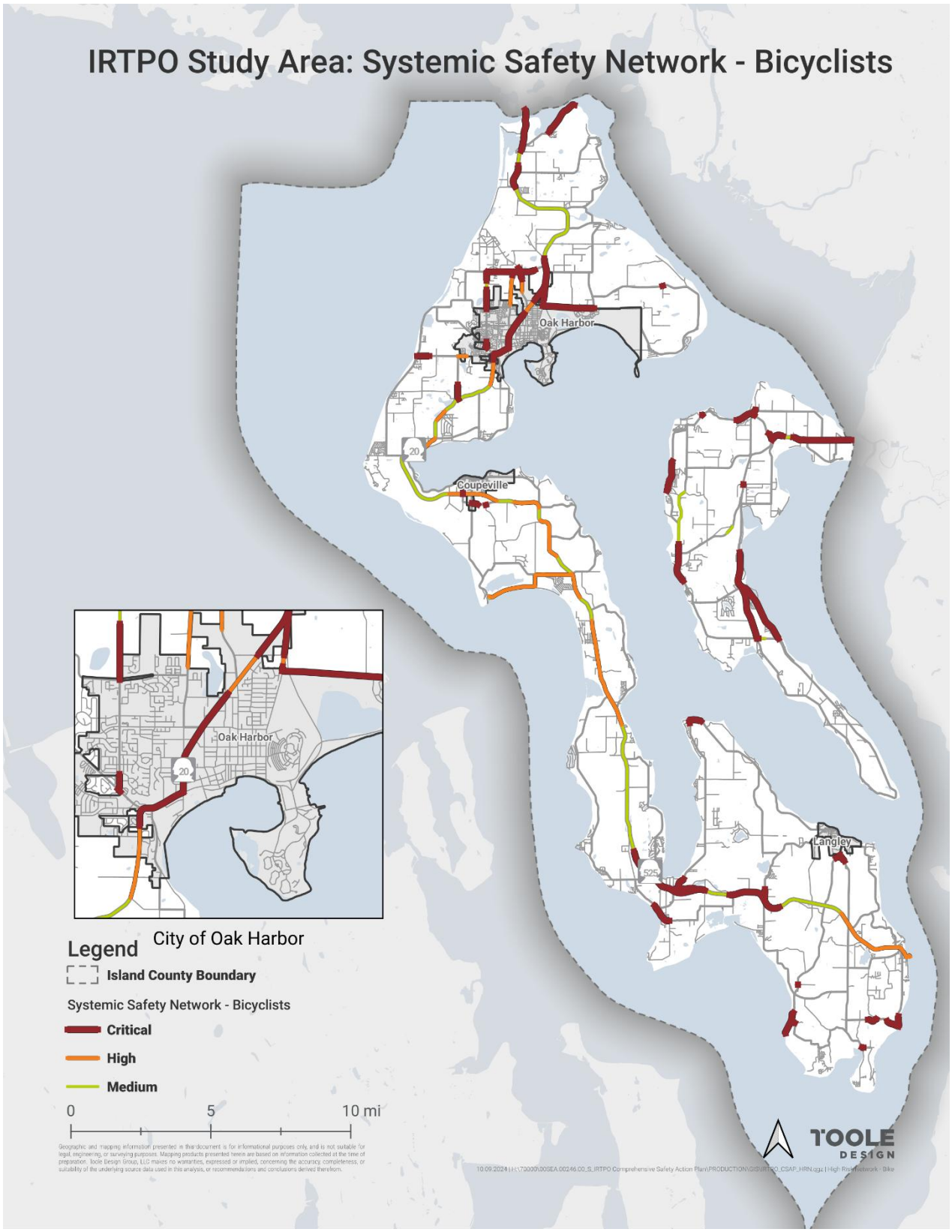


**Figure 9. Systemic Safety Network – Bicyclists**

## Motorcycle

Figures in this section represent results for motorcycles within the full study area.

**Table 10** indicates that the screening factors most effective at indicating elevated KABC motorcycle crash frequency (facilities in Critical, High, and Medium tiers).

**Table 10. Systemic safety network tier definitions for motorcycle fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Screening Factor | | | | |
|---|---|---|---|---|---|
| | *Traffic Volume (ADT)* | *Functional Class* | *Roadway Setting* | *Speed Limit (MPH)* | *Equity Score* |
| **Critical** | >10,000 ADT | - | - | - | Lower to No Need |
| **High** | >10,000 ADT | - | - | - | Moderate to High Need |
| **High** | 0-10,000 ADT | High | - | - | - |
| **Medium** | 0-10,000 ADT | Medium | - | - | - |
| **Low** | 0-10,000 ADT | Low | Urban | - | - |
| **Minimal** | 0-10,000 ADT | Low | Rural | - | - |

Critical tier facilities are roads with >10,000 ADT with lower to no equity need score. High tier facilities are roads with >10,000 ADT with moderate to higher equity need score or highway and arterial roads with less than 10,000 ADT (0-10,000 ADT). Medium tier facilities are collector roads with 0-10,000 ADT.

The associated average fatal and injury crash frequency per mile as well as the relative mileage of each tier are summarized in **Table 11** and illustrated in **Figure 10**. About three-fourths (73.2%) of motorcycle injury crashes in the study area are on Critical, High, and Medium tier facilities, but these facilities only represent 24.5% of the total roadway miles in the study area.

**Table 11. Systemic safety network tier metrics for motorcycle fatal and injury crashes**

| Systemic Safety Network Tier | Systemic Safety Network Metrics | | | | |
|---|---|---|---|---|---|
| | *Avg. Crashes per Mile* | *Miles* | *Crashes* | *Miles Share* | *Crashes Share* |
| **Critical** | 0.59 | 73.18 | 43 | 1.9% | 24.4% |
| **High** | 0.18 | 188.14 | 33 | 4.9% | 18.7% |
| **Medium** | 0.08 | 687.43 | 53 | 17.8% | 30.1% |
| **Low** | 0.02 | 1365.46 | 34 | 35.4% | 19.3% |
| **Minimal** | 0.01 | 1540.21 | 13 | 40.0% | 7.4% |

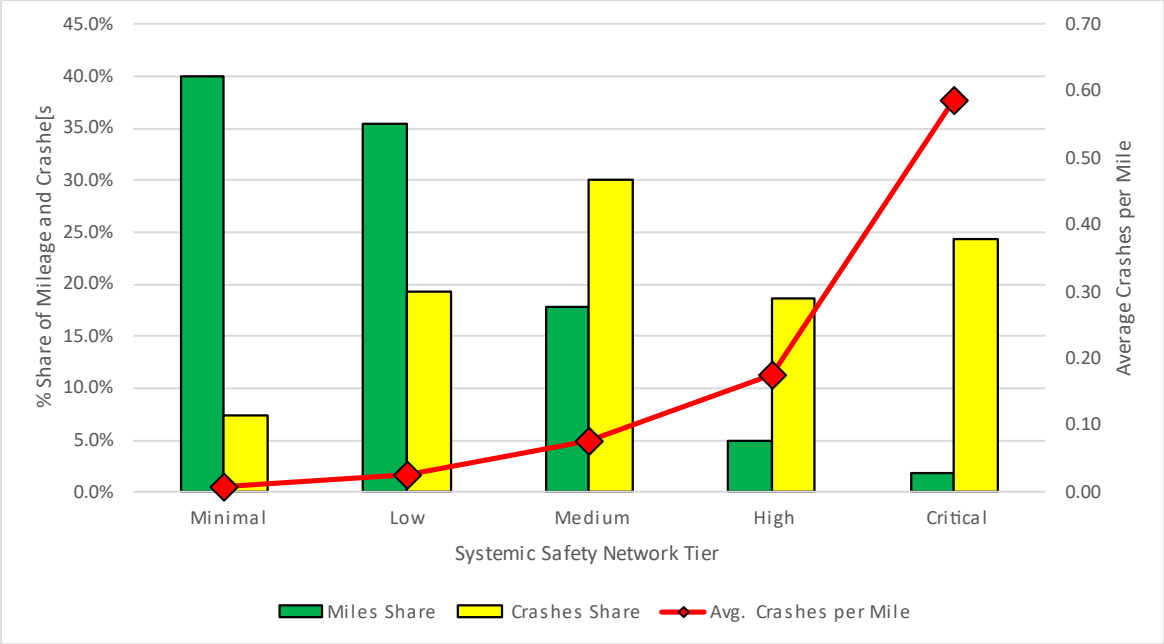


**Figure 10. Systemic Safety Network Tier metrics for motorcycle fatal and injury crashes**

The corridors identified as ‘Critical’, ‘High’, and ‘Medium’ in the Systemic Safety analysis for motorcycle crashes are shown in **Figure 11**.

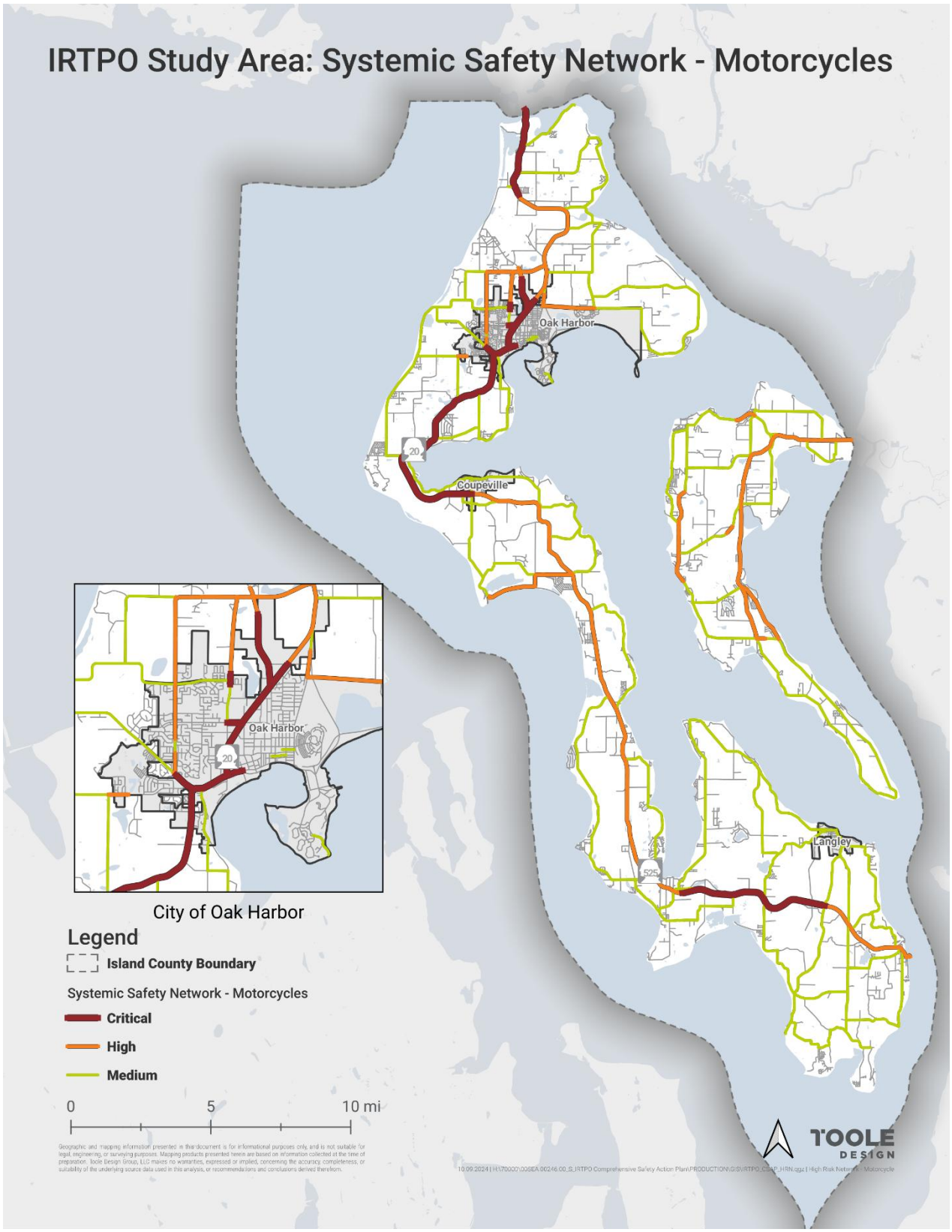


**Figure 11. Systemic Safety Network – Motorcycles**

## Conclusions and Next Steps

The factors captured in the systemic analysis identified a correlation with concentrations of crashes on roads in the study area. Locations on the Critical, High, and Medium tiers should be targeted for safety improvements, regardless of crash history (i.e., a proactive approach as opposed to a reactive approach since these facilities represent 24.7% of miles in the study area but 78.3% of fatal and injury crashes). The results of each mode (motor vehicles, pedestrians, bicyclists, and motorcyclists) yield similar proportions of crashes and roadway miles. These Systemic Safety Networks and the roadway facility attributes can be used to identify priority areas for safety improvements and safety countermeasures targeted toward these roadway users.

APPENDIX D

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# COMPREHENSIVE SAFETY ACTION PLAN

# ENGAGEMENT AND OUTREACH SUMMARY REPORT

PREPARED FOR:

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

## PREPARED FOR

## PREPARED BY DKS ASSOCIATES

DKS

Veronica Sullivan

Sheida Carugati

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## PURPOSE OF THE IRTPO COMPREHENSIVE SAFETY ACTION PLAN

In 2023, the Island Regional Transportation Planning Organization (IRTPO) secured funding from the federal Safe Streets and Roads for All (SS4A) grant to develop a Comprehensive Safety Action Plan (CSAP), a data-driven initiative aimed at reducing fatal and serious injuries on Island County roadways. The CSAP represents a crucial step towards enhancing safety for all road users by analyzing crash history, demographics, and public input to effectively identify, prioritize, and implement targeted safety improvements. A successful Action Plan like the CSAP encompasses eight key components:

1. Leadership commitment and goal setting
2. Planning structure
3. Safety analysis
4. Engagement and collaboration
5. Equity
6. Policy and process changes
7. Strategy and project selections
8. Progress and transparency

## ENGAGEMENT SUMMARY

Over the course of the Summer and Fall of 2024, the IRTPO CSAP project team conducted several forms of outreach including cold phone calls, emails, pop-ups at local events on Whidbey and Camano Islands, in-person open house presentations, and virtual meetings. The project team also developed and kept up to date a publicly accessible project website via Social Pinpoint. In addition to general information describing the IRTPO CSAP project, the project website also housed an interactive comment map, a brief survey, relevant documents such as FAQs and printable flyers, information on future engagement opportunities, and presentation materials from past public meetings and open houses.

The goals of the IRTPO CSAP outreach were to

- Inform the community members in the region of Island County of what CSAPs are, what they entail, and how they can benefit the community
- Listen to and learn more about the public's safety concerns
- Incorporate the public's feedback and ideas for safety improvements in the IRTPO CSAP project prioritization process

The IRTPO CSAP team developed an extensive initial list of contact information for community groups and organizations, professional societies, federal, county, local, and tribal agencies, emergency responders, fire departments, police, and local businesses throughout the IRTPO region. The list of contact information for community members in the IRTPO region was continuously updated throughout the public engagement process as the public outreach events took place and more people shared their contact information on the Social Pinpoint site. The

contact list for public engagement efforts grew to over 170 individuals over the course of the project.

The IRTPO CSAP outreach team used the continually evolving contact list to cold call and email Island County community members to inform them of the CSAP development, provide more details and information on the project itself, and share all the outreach efforts and the different ways to engage during the project.

The chart below depicts the timeline of all the IRTPO CSAP public engagement efforts that were executed from Spring to Fall of 2024. This memo includes the entire public engagement plan developed by the IRTPO CSAP team and the results from engaging the community in the IRTPO region.

## ENGAGEMENT METHODS, MATERIALS, AND RESULTS

The following sections expand on each of the outreach methods, the materials developed for the CSAP engagement process. This section also includes the results from the engagement process.

### ENGAGEMENT METHODS

#### PUBLIC ENGAGEMENT COMMUNITY POP-UPS

The outreach events began with informational in-person pop-up events at various community events and locations with foot traffic starting in late Spring through the Summer. The purpose of attending the pop-up events was to begin informing the community of the IRTPO's Vision Zero goal to reduce and eliminate fatal and serious injury roadway crashes by 2045 through the development of a CSAP. The pop-up events included

- Coupeville Farmers Market (North Central Whidbey Farmers Market) – Whidbey Island – April 20, 2024
- Bayview Farmers Market – Whidbey Island – July 27, 2024
- Camano Plaza IGA Market – Camano Island – July 27, 2024
- City of Langley National Night Out – Whidbey Island – August 6, 2024
- City of Oak Harbor National Night Out – Whidbey Island

#### CITY/TOWN COUNCIL PRESENTATIONS AND PUBLIC OPEN HOUSES

As the project team progressed in the crash analysis and the development of the High-Injury Network (HIN) and Safe System Network (SSN), the public outreach team conducted more formal engagement efforts. During this phase of the project, the project team presented at City and Town Council meetings throughout the IRTPO region to inform them of the results of the crash analysis, share the HIN, and share the SSN in their specific jurisdiction.

In conjunction with the Council presentations, the team organized in-person open houses for the public. The purpose of presenting to both a governing body and the public was to ultimately

achieve "buy-in" from both City and Town officials and the public before requesting adoption of the IRTPO CSAP in April 2025. The City/Town Council meetings and open houses included

- City of Oak Harbor Open House – Whidbey Island – September 25, 2024
- City of Langley City Council Presentation – Whidbey Island – October 7, 2024
- City of Langley Open House – Whidbey Island – October 7, 2024
- Town of Coupeville Town Council Presentation – Whidbey Island – October 8, 2024
- Town of Coupeville Open House - Whidbey Island – October 8, 2024
- Camano Island Supervisor Distrct3 Meeting and Open House – Camano Island – October 30, 2024

## PUBLIC VIRTUAL MEETINGS

The project team was originally planning to conduct two virtual focus groups – one with the general public and another with safety and emergency service members. However, during the public outreach events and through the survey on the project website, many people expressed interest in participating in the virtual focus groups. To accommodate the substantial number of people interested in participating in the focus group, two virtual meetings were conducted instead. The virtual meetings covered the crash analysis, the HIN, and the SSN for the entire IRTPO region. The virtual meetings were held on

- Tuesday, November 12, 2024 – 4:00 to 5:00 PM – Zoom
- Thursday, November 14, 2024 – 4:00 to 5:00 PM – Zoom

## PROJECT WEBSITE - SOCIAL PINPOINT

### Survey

The project website, hosted by Social Pinpoint, included a brief survey asking participants to share their safety priorities, concerns, and questions with the project team. The survey also asked basic, optional, demographic questions to gain a better understanding of which communities were filling out the survey and which communities needed more concerted outreach efforts based on the survey responses.

The comments received in the survey responses for each of the major jurisdictions in the IRTPO region (Island County, City of Oak Harbor, City of Langley, Town of Coupeville) are summarized in this memo

### Interactive Comment Map

The project website, hosted by Social Pinpoint, included an interactive map where participants could add location-based comments to share their safety priorities, concerns, and questions with the project team. The comment categories participants could choose from were Pedestrian/Bicycle, Motor Vehicle, Transit, and General.

The comments received in the survey responses for each of the major jurisdictions in the IRTPO region (Island County, City of Oak Harbor, City of Langley, Town of Coupeville) were summarized in the jurisdiction-specific section for each of the respective jurisdictions.

### LOCAL LAW ENFORCEMENT AND EMERGENCY RESPONDERS

Local law enforcement officials and emergency responders (EMS and fire departments) were contacted throughout the development of the CSAP and during the public engagement phase. Law enforcement officials and emergency responders from unincorporated Camano Island, the Town of Coupeville, the City of Langley, and the City of Oak Harbor were contacted via email and over the phone. The project team held meetings with these officials either in-person or virtually to gain insight into crashes in their jurisdictions and ideas they may have for improvements. In addition to personal meetings, local law enforcement officials and emergency responders were invited to attend the City/Town Council presentations and the open houses to share their experiences with the project team and the public.

### IRTPO EXECUTIVE BOARD AND A PUBLIC COMMITMENT

Throughout the project, the IRTPO CSAP project team regularly presented updates to the IRTPO Executive Board. Presentations to the IRTPO Executive Board occurred on:

- April 22, 2024 – IRTPO Executive Board Meeting Presentation
- September 25, 2024 – IRTPO Executive Board Meeting Presentation
- January 22, 2025 – IRTPO Executive Board Meeting Presentation

## ENGAGEMENT MATERIALS

### PROJECT WEBSITE – SOCIAL PINPOINT

A project-specific website was developed and maintained by the IRTPO CSAP project team to consolidate project information and outreach material in one place (see Figure 1).

The website includes the following information:

- Overview of a CSAP
- Information on ways the public can become involved
- Information on upcoming Open Houses
- Overview of the project timeline
- Interactive comment map
- CSAP public survey

The following website domain was created: https://dks-engage.com/IRTPO .

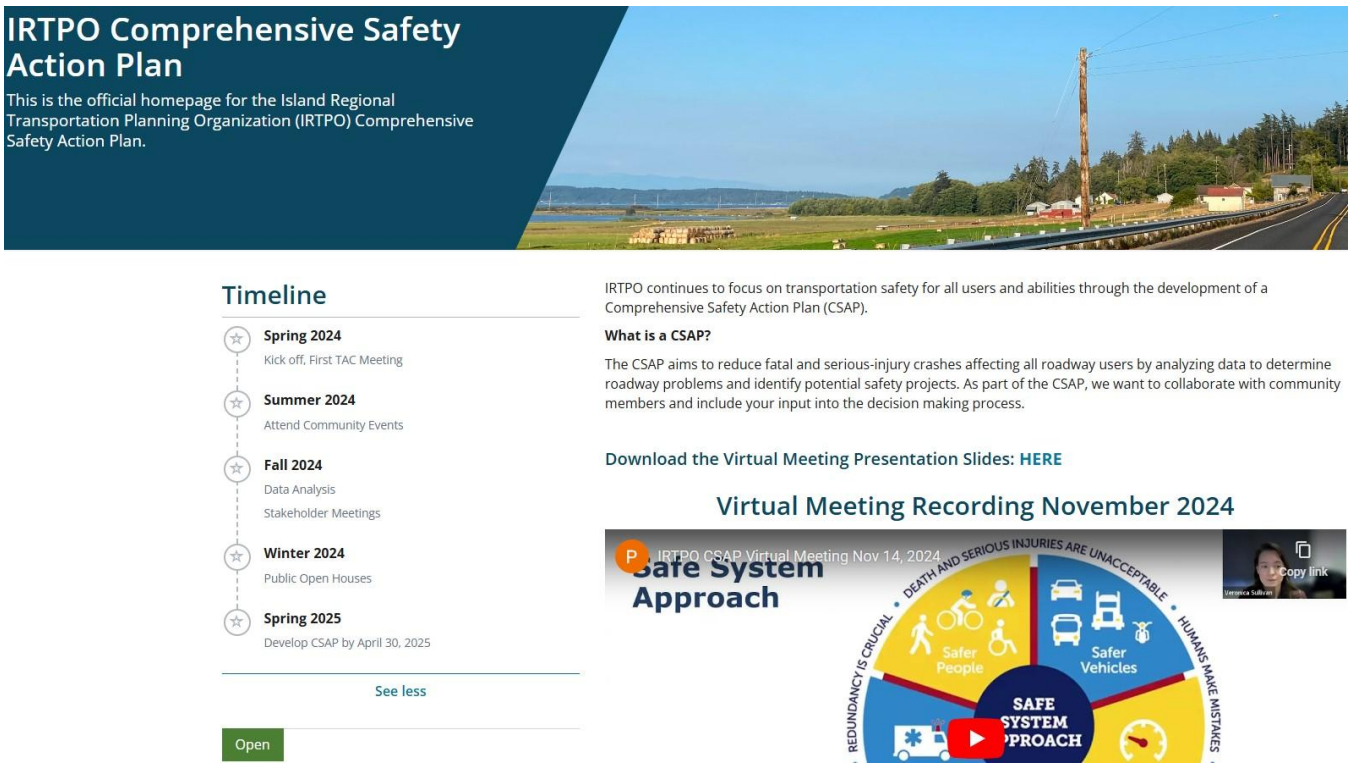



**FIGURE 1: ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION COMPREHENSIVE SAFETY ACTION PLAN PROJECT WEBSITE (ACCESSED DECEMBER 12, 2024)**

## DIGITAL FLYERS AND PRINTED MATERIALS

The project team developed flyers in English (Figure 2), Spanish (Figure 3), and Tagalog (Figure 4) to explain the CSAP and encourage community involvement through open houses (Figure 5) or by visiting the project website. Flyers for the virtual meetings specifically were also developed (Figure 6).

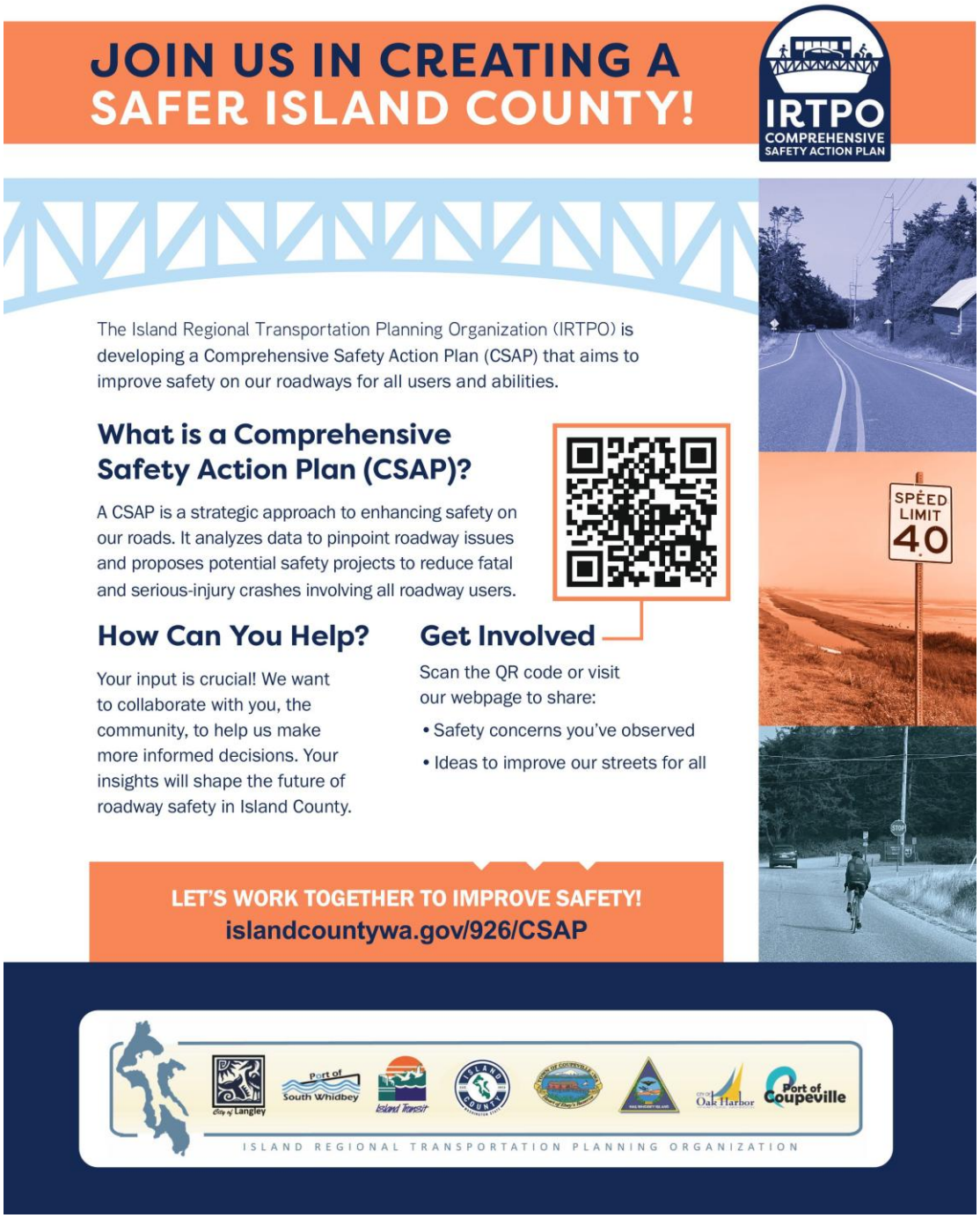



**FIGURE 2: IRTPO CSAP PROJECT FLYER IN ENGLISH**

**FIGURE 3: IRTPO CSAP PROJECT FLYER IN SPANISH**

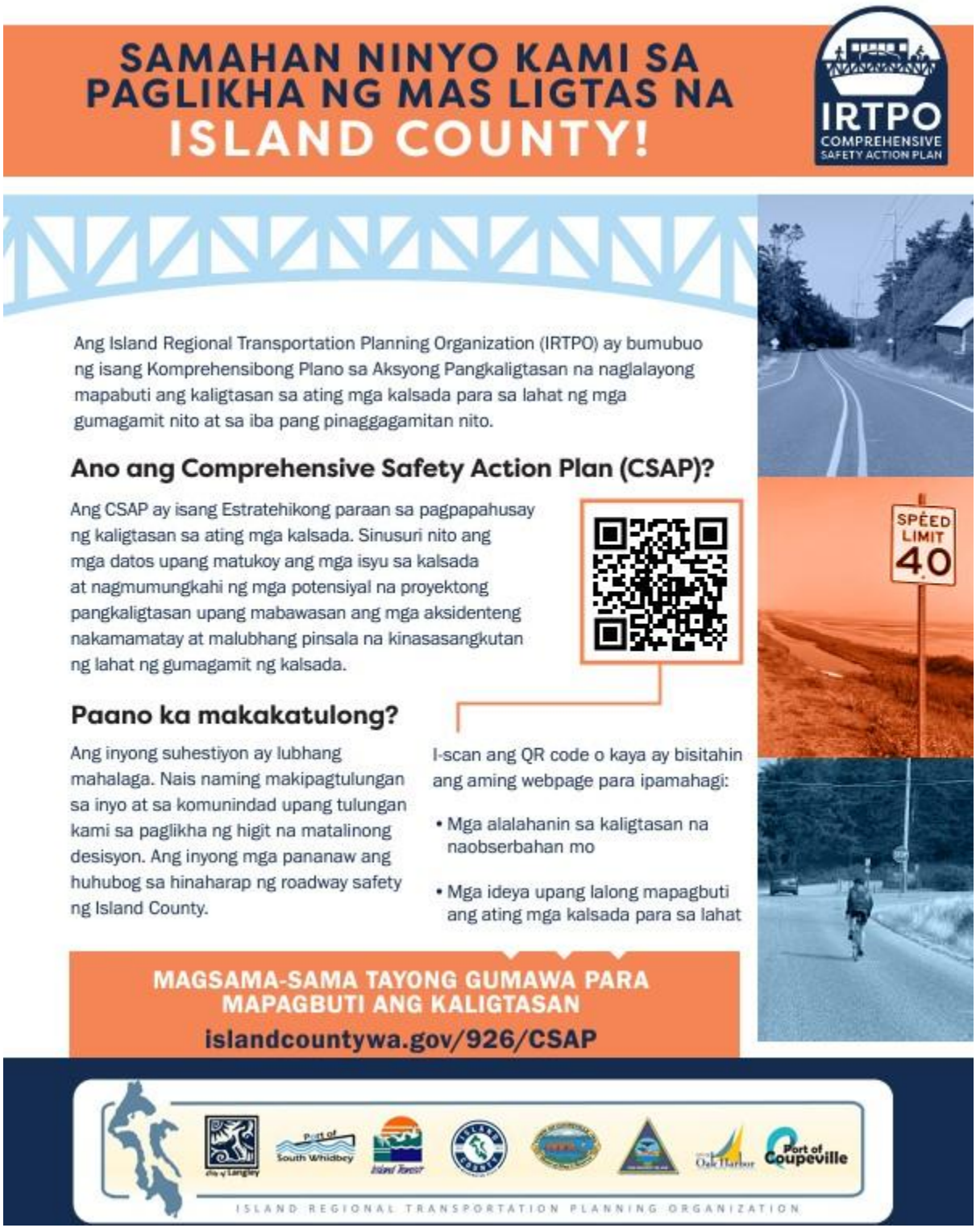



**FIGURE 4: IRTPO CSAP PROJECT FLYER IN TAGALOG**

**FIGURE 5: IRTPO CSAP OPEN HOUSE FLYER**

**FIGURE 6: IRTPO CSAP VIRTUAL MEETING FLYER**

### FAQ SHEET

The IRTPO CSAP project team developed a general one-page Frequently Asked Questions (FAQ) flyer (Figure 7) to answer common questions about what a CSAP is, the project timeline, and the funding sources for this project. Community members were encouraged to share and print the FAQ sheet and general flyers to distribute within their own networks.

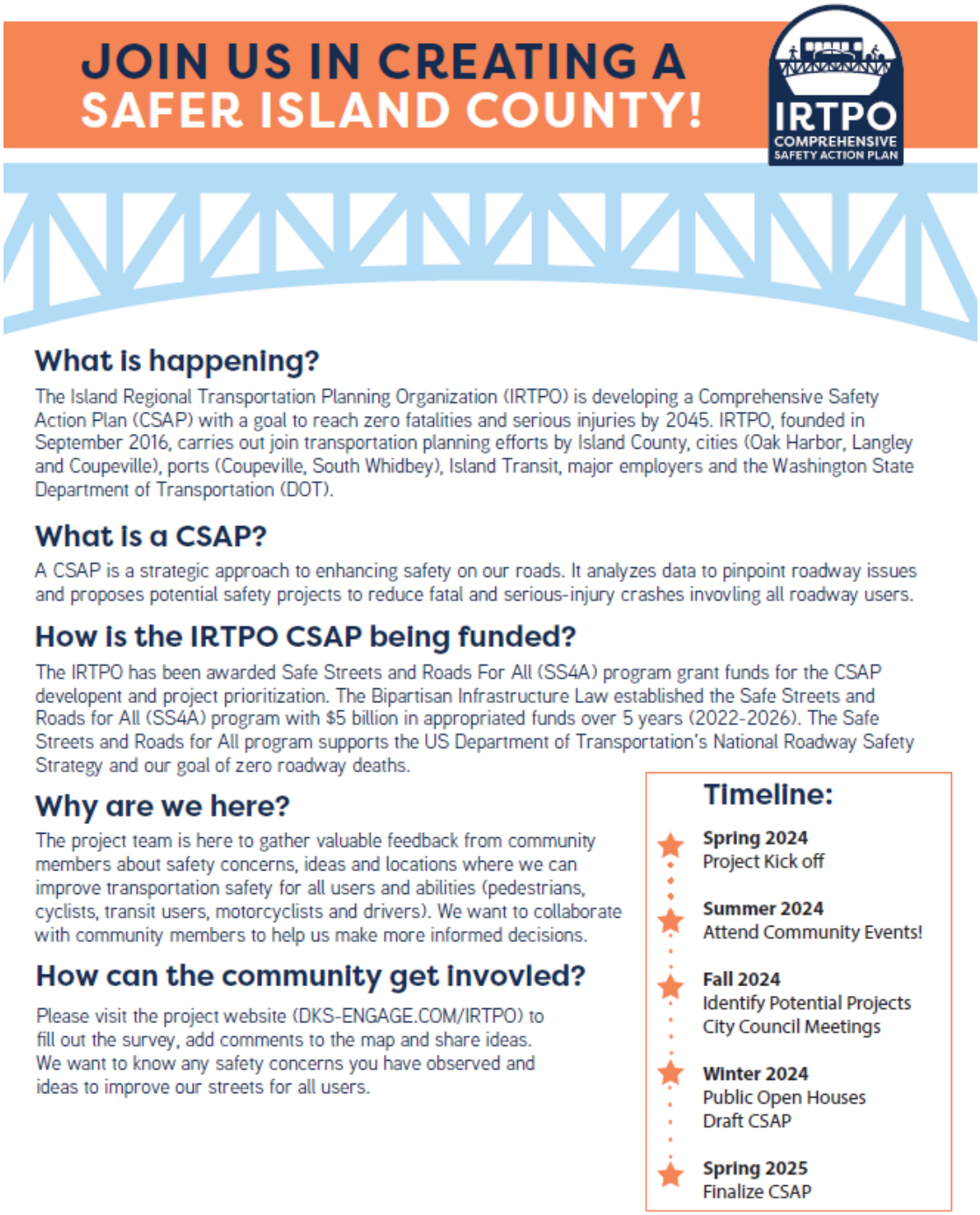



**FIGURE 7: IRTPO CSAP PROJECT FAQ FLYER**

### PROJECT BUSINESS CARDS AND SWAG

Promotional material was created to increase awareness and encourage project involvement of the CSAP, such as business cards (Figure 8), coasters, and bags (Figure 9).

**FIGURE 8: IRTPO CSAP PROJECT BUSINESS CARDS**

**FIGURE 9: IRTPO CSAP PROJECT TOTE BAG**

### EMAIL BLASTS AND SOCIAL MEDIA

To educate as many people as possible and to illicit participation in the CSAP project, email (Figure 10) and social medias posts (Figure 11) were disseminated throughout the engagement process.

Email

**Dear Community Members,**

The Island Regional Transportation Planning Organization (IRTPO) is committed to making our roads safer, with the goal of reaching zero fatalities and serious injuries by 2045. To achieve this, we're developing a Comprehensive Safety Action Plan (CSAP) and we need ***your*** input!

**What is a CSAP?**
The CSAP is a strategic initiative aimed at identifying road safety issues and proposing projects that will reduce accidents involving all road users.

**Join Us at an Open House:**
Your insights are invaluable. Join us at one of our upcoming open houses to share your ideas and help shape the future of road safety in Island County.

**Open House Schedule:**

- **Oak Harbor:** Wednesday, September 25, 2024, 4:30 p.m. - 6:30 p.m. at The Center (51 SE Jerome St, Oak Harbor)
- **Langley:** Monday, October 7, 2024, Time TBD at 112 Second Street, Langley, WA
- **Coupeville:** Tuesday, October 8, 2024, 4:30 p.m. - 6:00 p.m. at Town of Coupeville Recreation Hall (901 NW Alexander St, Coupeville, WA)

**Get Involved:**
Can't make it? Share your safety concerns and ideas online by visiting our CSAP webpage and leaving a comment on the map and/or filling out a 5-minute survey.

Let's work together to create safer streets for everyone in Island County!

Best regards,
[Your Name]

**FIGURE 10: IRTPO CSAP PROJECT EMAIL TEMPLATE**

**FIGURE 11: IRTPO CSAP PROJECT SOCIAL MEDIA POST**

### PRESS RELEASE

The IRTPO CSAP project team developed and released a press release for Island County News to share on their website. The press release (Figure 12) included information about the CSAP itself, the project timeline, and ways the community could get involved.

(ICON TO USE FOR THE FRONT/HEADLINE IMAGE)

**Headline: IRTPO Aims to Improve Transportation Safety**

**Island County, WA** – As deadly and serious injury crashes continue to rise across the nation, Island County is committed to ensuring the safety of its residents and visitors on local streets and roads. The Island County Regional Transportation Planning Organization (IRTPO) is developing a Comprehensive Safety Action Plan (CSAP) to secure federal and state funds aimed at reducing, and ultimately eliminating, fatalities and serious injuries on Island County's streets and roads.

To make this initiative successful, the CSAP project team is actively seeking the community's input on improving road safety for everyone—pedestrians, cyclists, transit users, and drivers alike.

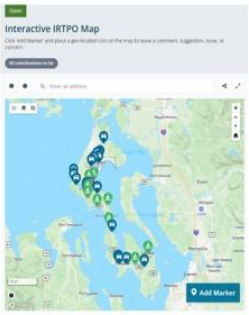
Over the summer, the project team engaged with the public through pop-up events in Camano Island, Town of Coupeville, City of Langley, and City of Oak Harbor. Residents of all ages and backgrounds shared their safety concerns and ideas for improvements, offering valuable insights that will shape the final plan.

This fall, the project team invites the public to participate in Open Houses in the Town of Coupeville, City of Langley, and City of Oak Harbor. These Open Houses will provide more details about the CSAP, including county-wide and local crash data, along with preliminary analysis specific to each jurisdiction.

**Open House Schedule:**

- **City of Oak Harbor:** Wednesday, September 25 from 4:30 PM to 6:30 PM at The Center (51 SE Jerome St, Oak Harbor, 98277)
- **City of Langley:** Monday, October 7 starting at 6:30 PM at Langley City Hall after the City Council Meeting (112 Second St, Langley, 98260)
- **Town of Coupeville:** Tuesday, October 8 from 4:30 PM to 6:00 PM at the Town of Coupeville Recreation Hall (901 NW Alexander St, Coupeville, 98239)

Can't make it to any of our open houses or have additional feedback before or after the events? No problem! Please fill out a 5-minute survey on the project website or add a location-specific comment on the interactive comment map.




**For more information or to provide additional input, please visit our project website or contact:**

https://dks-engage.com/IRTPO

- **Malcolm Roberts:** malcolm.roberts@islandcountywa.gov
- **Veronica Sullivan:** veronica.sullivan@dksassociates.com

**FIGURE 12: IRTPO CSAP ISLAND COUNTY NEWS PRESS RELEASE**

## COLORING POSTER

To foster education and engagement among younger audiences, posters were created that prompted reflections on safety through writing and drawing.

| Before | After |
|---|---|
| | |

## COUNCIL PRESENTATIONS AND OPEN HOUSES

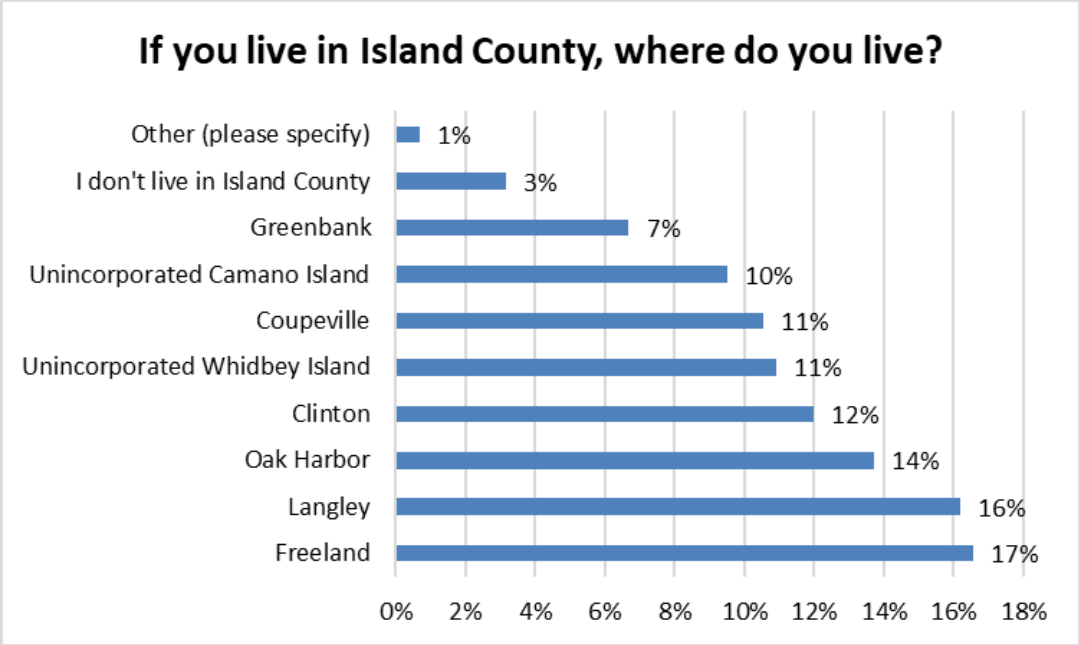
The consultant team prepared and presented the project at multiple city and town council meetings immediately followed by public open houses, where community members could learn about the project and provide feedback. Table 1 summarizes the schedule of council presentations and open houses.

**TABLE 1 - CITY/TOWN COUNCIL AND OPEN HOUSE IRTPO CSAP PRESENTATION SCHEDULE**

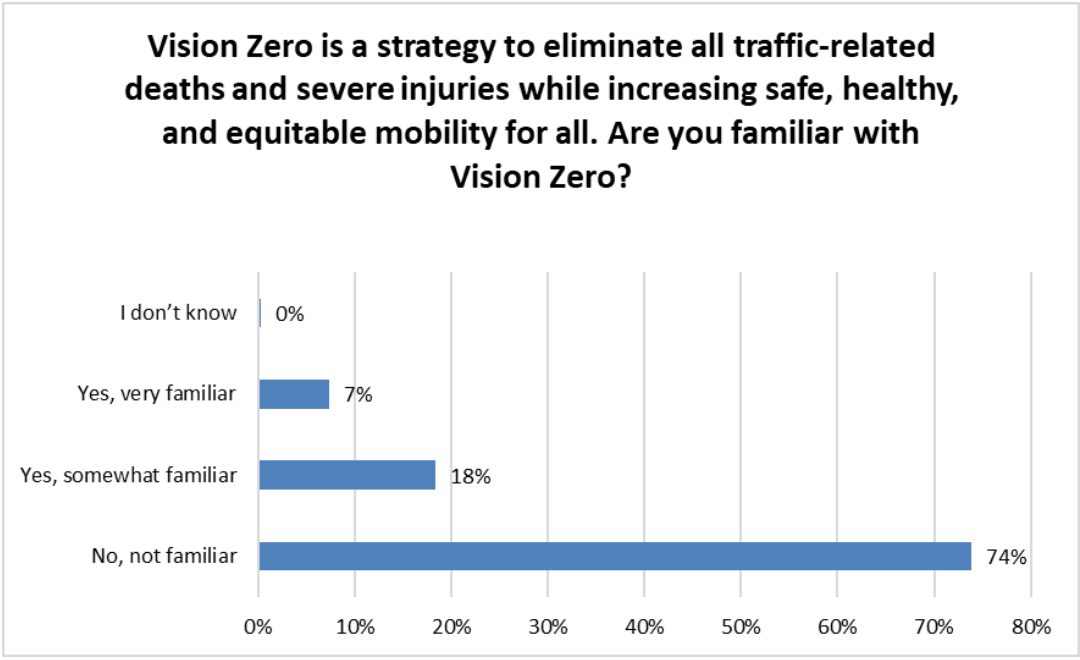
| | **City of Oak Harbor** | **City of Langley** | **Town of Coupeville** | **Camano Island** |
|---|---|---|---|---|
| **Date** | Wednesday, September 25, 2024 | Monday, October 7, 2024 | Tuesday, October 8, 2024 | Wednesday, October 30, 2024 |
| **City/Town Council Meeting Location** | 865 SE Barrington Drive, Oak Harbor, WA | 112 Second Street, Langley, WA 98260 | Board of County Commissioners Hearing Room 1<br>NE Sixth Street | N/A |
| **City/Town Council Meeting Time** | 1:00 – 2:00pm | 5:30 – 6:30pm | 6:30 – 7:30pm | N/A |
| **Open House Location** | The Center in Oak Harbor<br>(51 SE Jerome St, Oak Harbor, 98277) | 112 Second Street, Langley, WA 98260 | Town of Coupeville Recreation Hall<br>(901 NW Alexander St, Coupeville, WA, 98239) | Camano Island Administrative Building<br>121 E Camano Dr, Camano, WA 98282 |
| **Open House Time** | 4:30-6:30pm | 6:30 – 8:00pm | 4:30 – 6:00pm | 4:00 – 5:00pm |

## SURVEY RESULTS

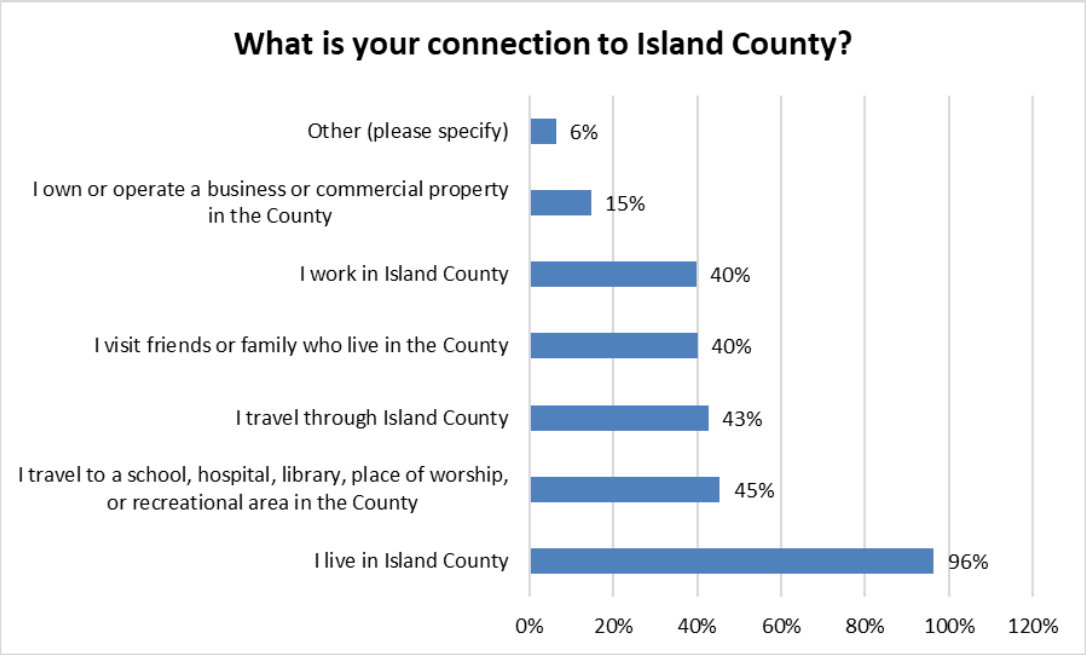
1. This graph shows the percentage of residents living in different locations within Island County. The most common locations are Freeland (17%) and Langley (16%), while the least common is "Other" with only 1% of residents.



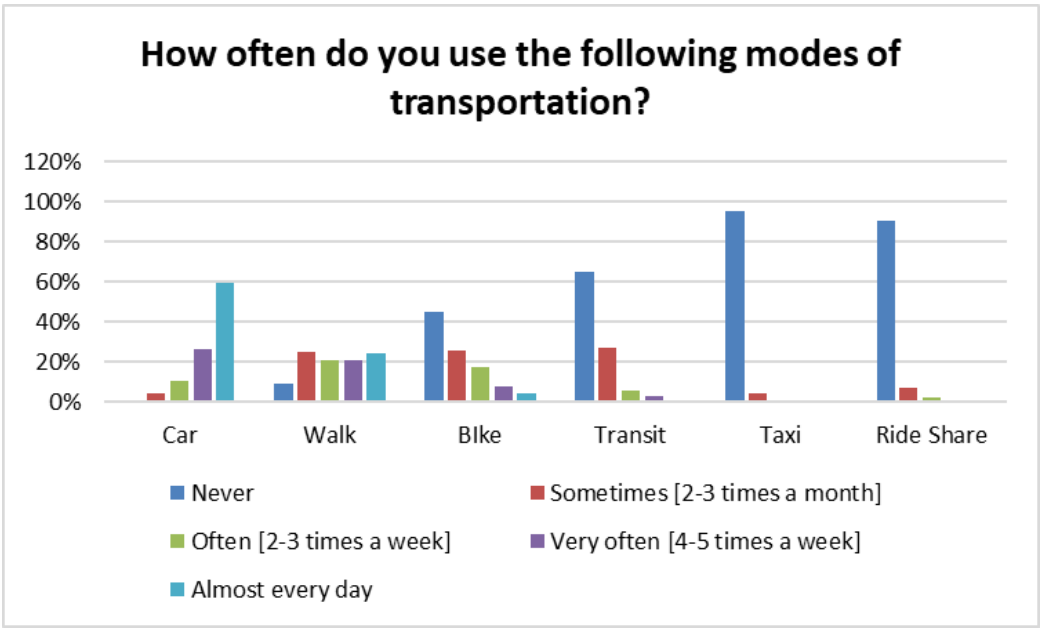

2. This graph shows the level of familiarity respondents have with Vision Zero, a strategy to eliminate traffic-related deaths and injuries. The majority (74%) are not familiar with Vision Zero, while only 7% are very familiar.



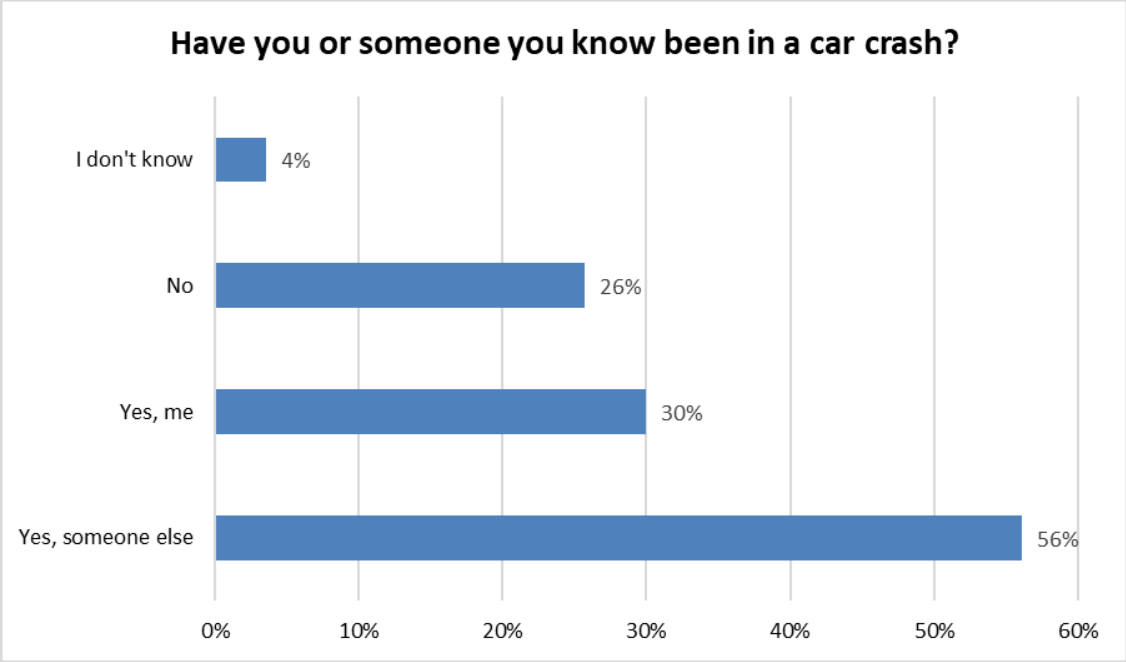
3. This graph illustrates the various ways people connect with Island County. While the vast majority (96%) live in Island County, many also connect by traveling to certain amenities (45%), traveling through (43%), working in (40%), or visiting friends and family (40%) in the County.



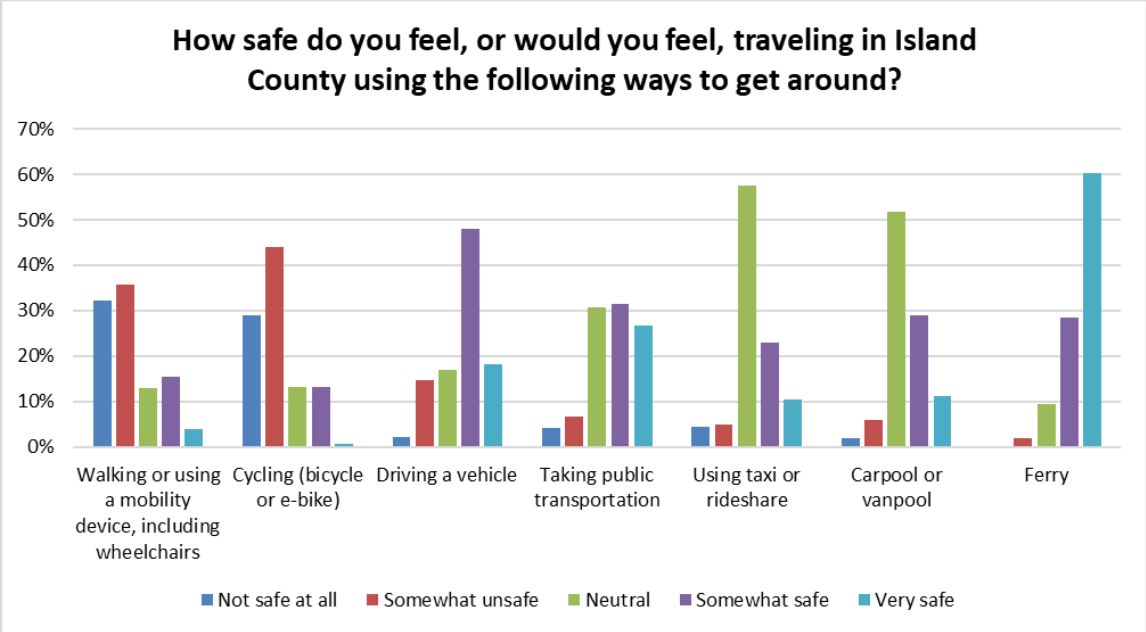

4. This graph displays the frequency of usage for different modes of transportation. Cars are the most frequently used mode, with a majority of respondents using them almost every day, while taxis and ride shares are used the least.



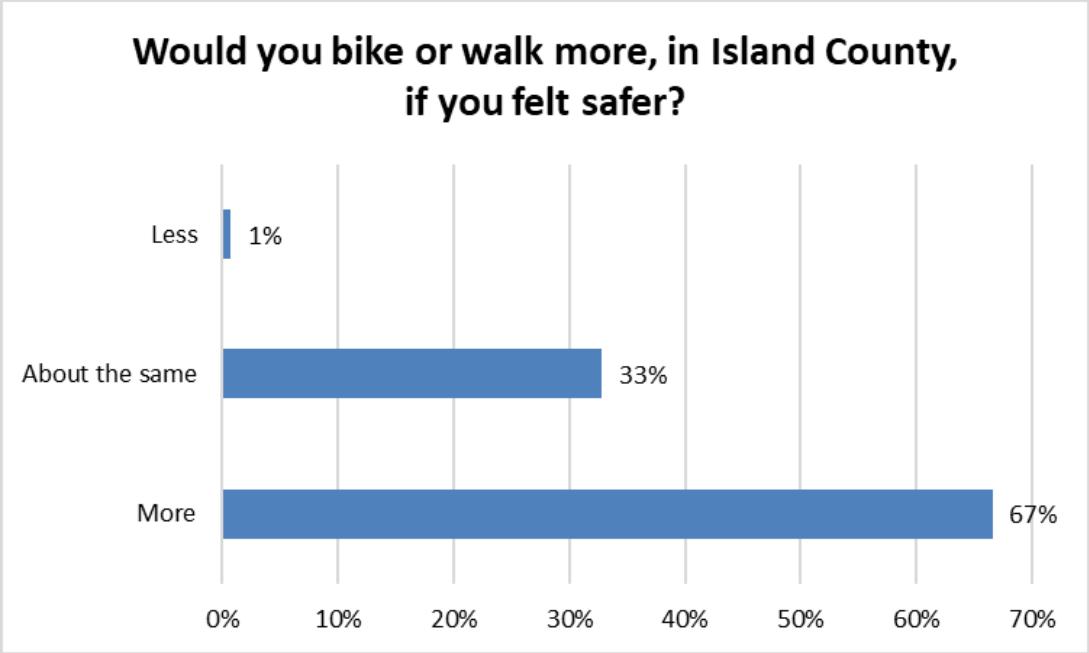
5. This graph shows that a majority of people (56%) know someone who has been in a car crash. A significant number have also been in a crash themselves (30%), highlighting the prevalence of car accidents.



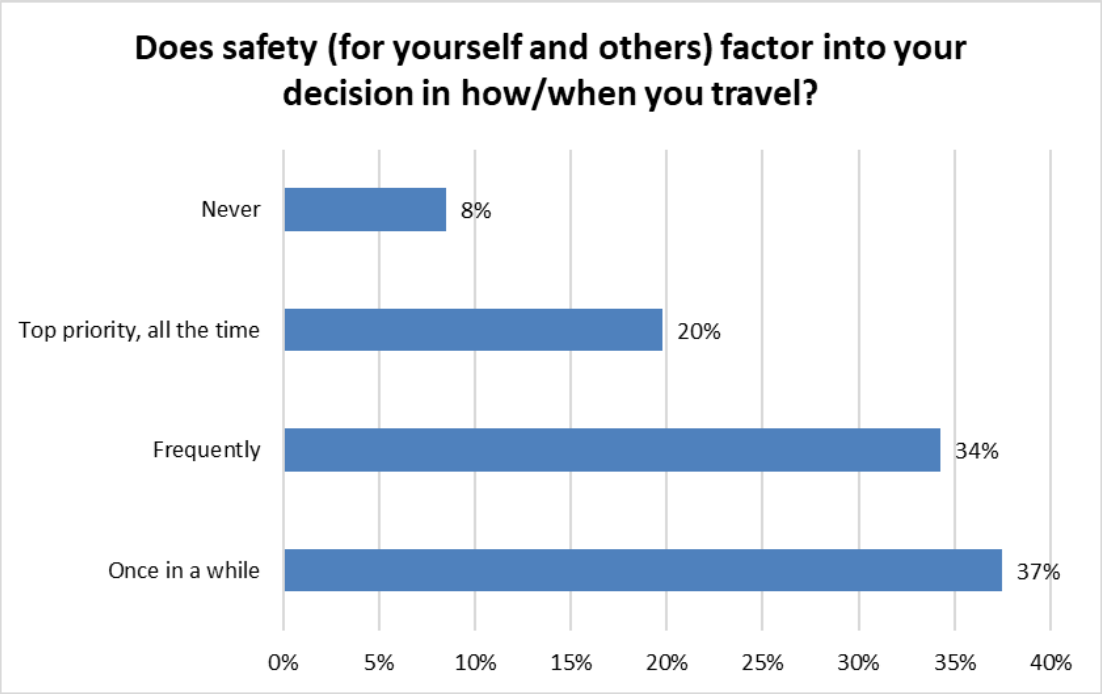

6. This graph examines perceived safety levels for different modes of transportation in Island County. While ferries are seen as the safest option, with the highest percentage of "Very safe" responses, walking or using a mobility device is perceived as the least safe, with the highest percentage of "Not safe at all" responses.



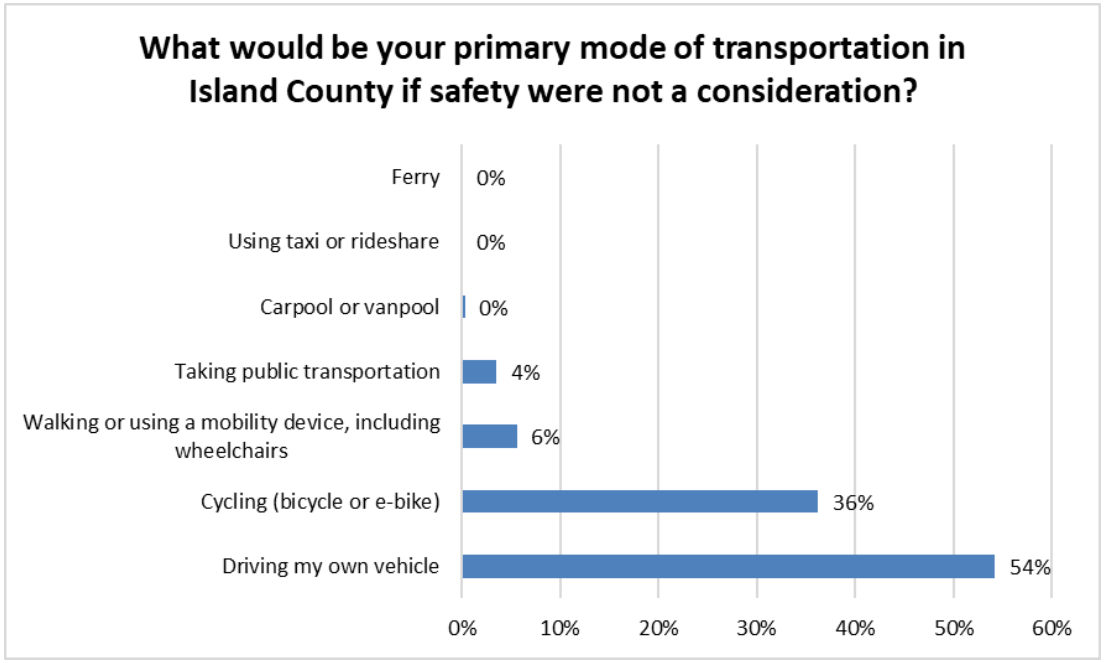
7. This graph indicates a strong desire for increased biking and walking in Island County if safety concerns were addressed. A significant majority (67%) of respondents stated they would bike or walk more if they felt safer.



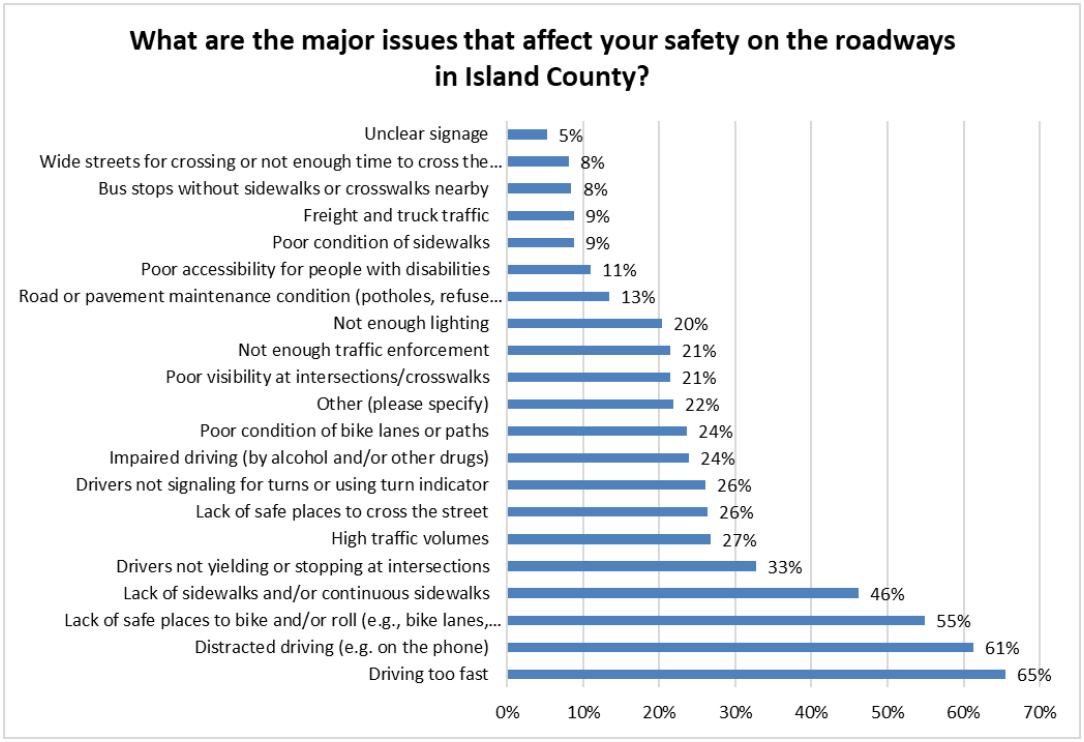

8. This graph explores how much people consider safety when making travel decisions. While only a small percentage (8%) never factor in safety, the most common responses are "Frequently" (34%) and "Once in a while" (37%), suggesting that safety is an important, but not always overriding, consideration for most people.



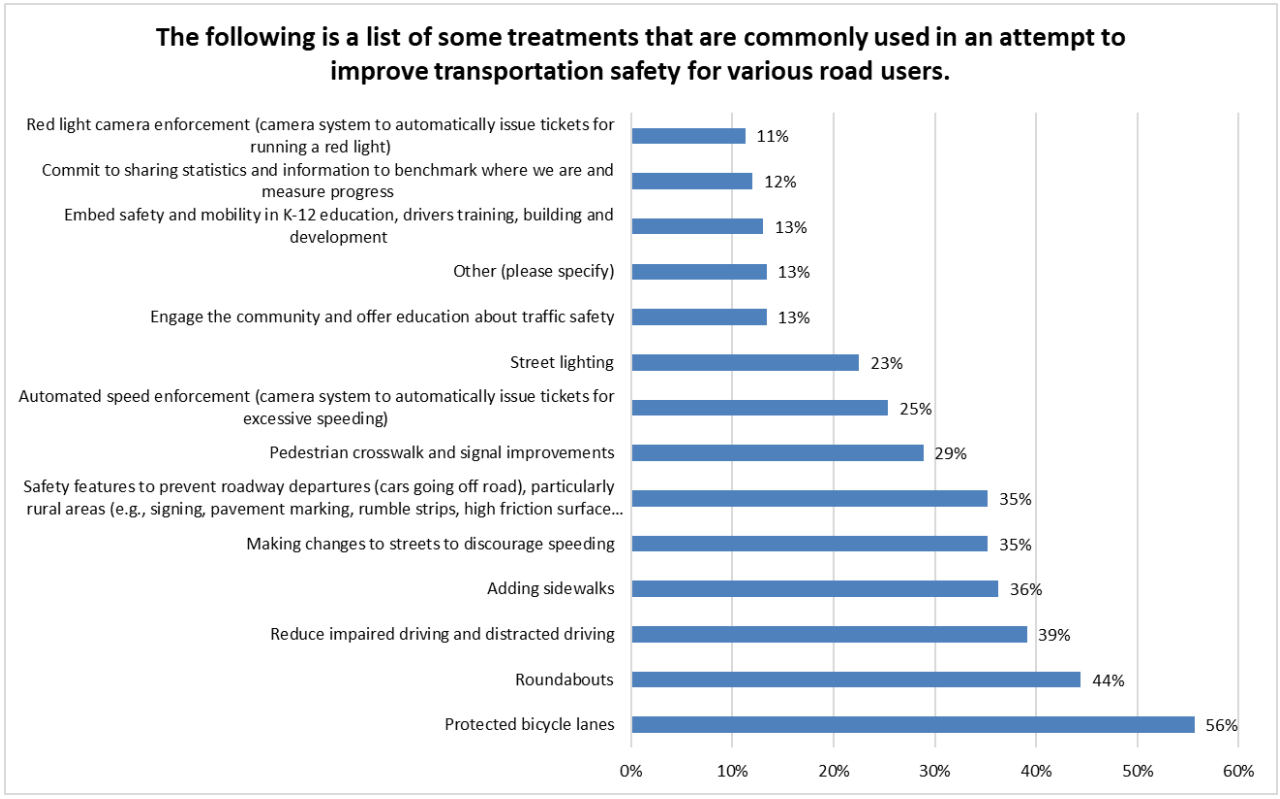
9. This graph reveals the transportation preferences of Island County residents if safety wasn't a factor. Most people would still choose to drive their own vehicle (54%), while cycling is the second most popular choice (36%).



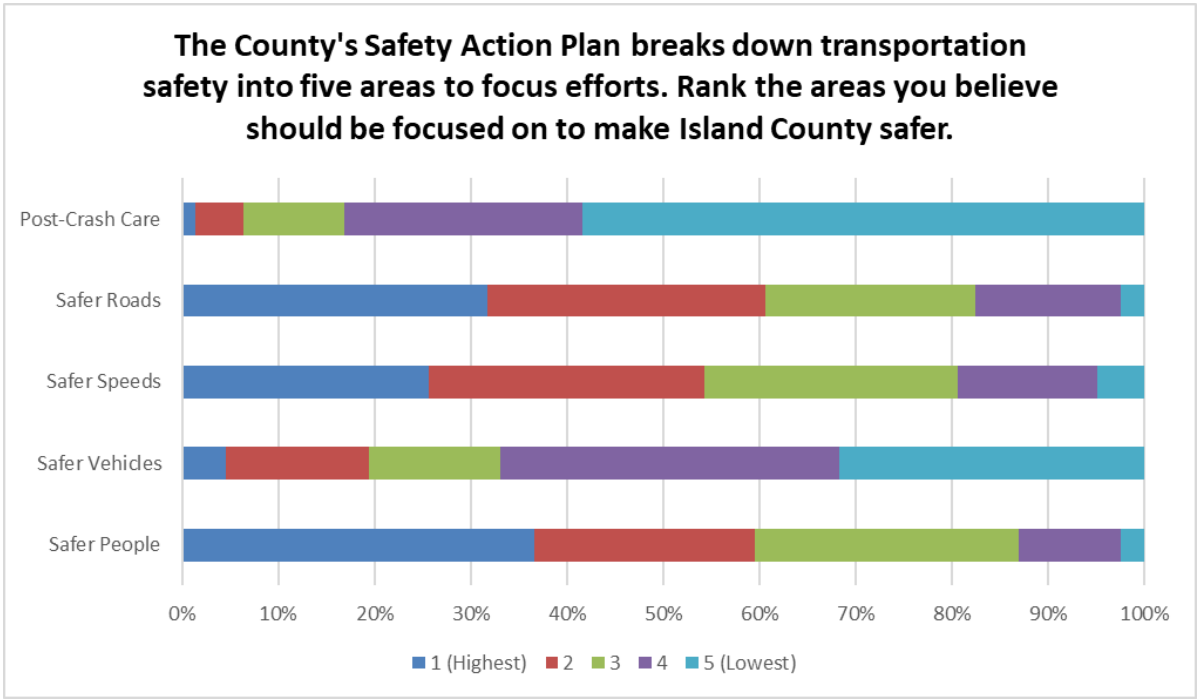

10. This graph identifies the major safety concerns for people traveling on Island County roadways. The most prevalent issues are speeding (65%), distracted driving (61%), and a lack of safe places to bike or walk (55%), highlighting a need for improved infrastructure and driver behavior.



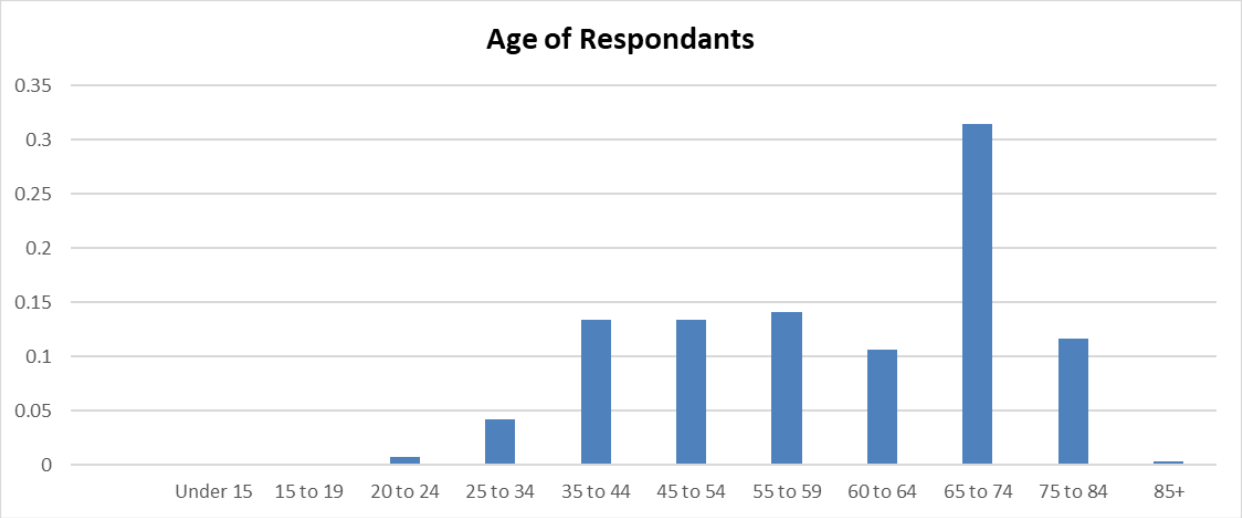
11. This graph shows the public's opinion on various treatments used to improve transportation safety. The most popular solutions are protected bicycle lanes (56%), roundabouts (44%), and reducing impaired and distracted driving (39%).



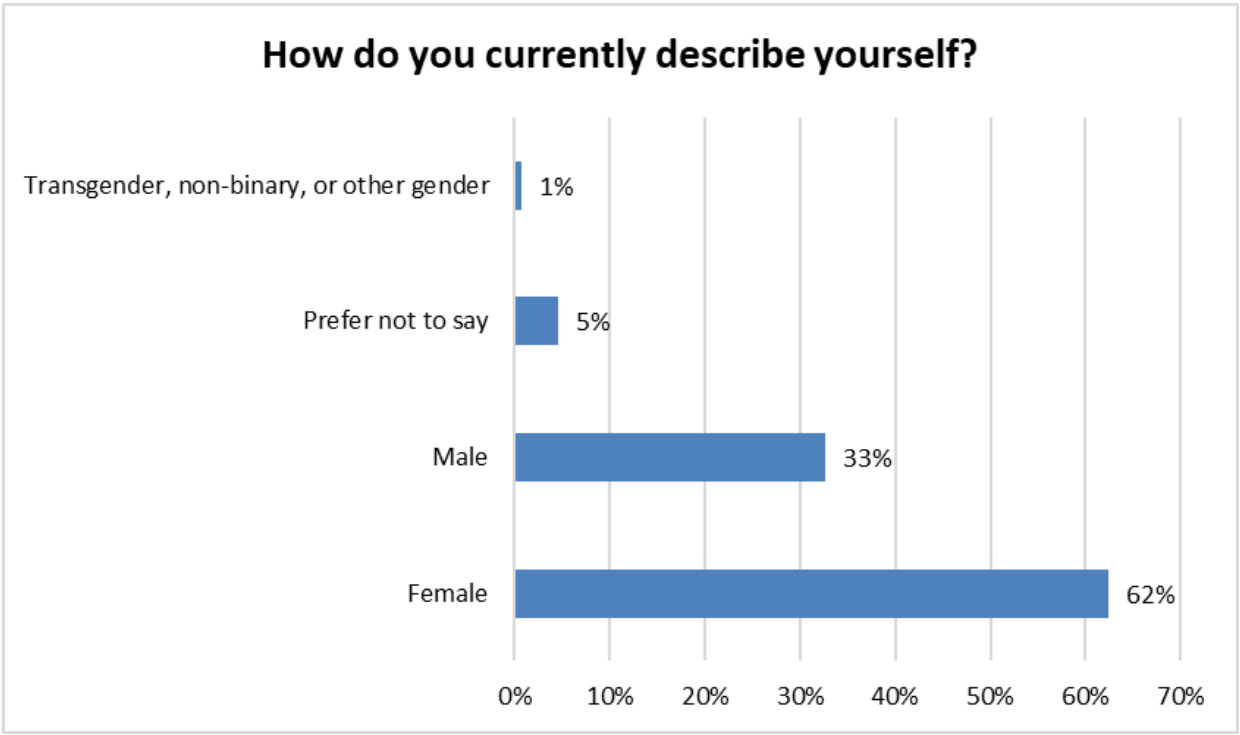

12. This graph presents a ranking of priorities for the County's Safety Action Plan. While all areas received a significant number of top rankings, "Safer People" appears to be the most important focus area for improving safety in Island County, followed by "Safer Roads".



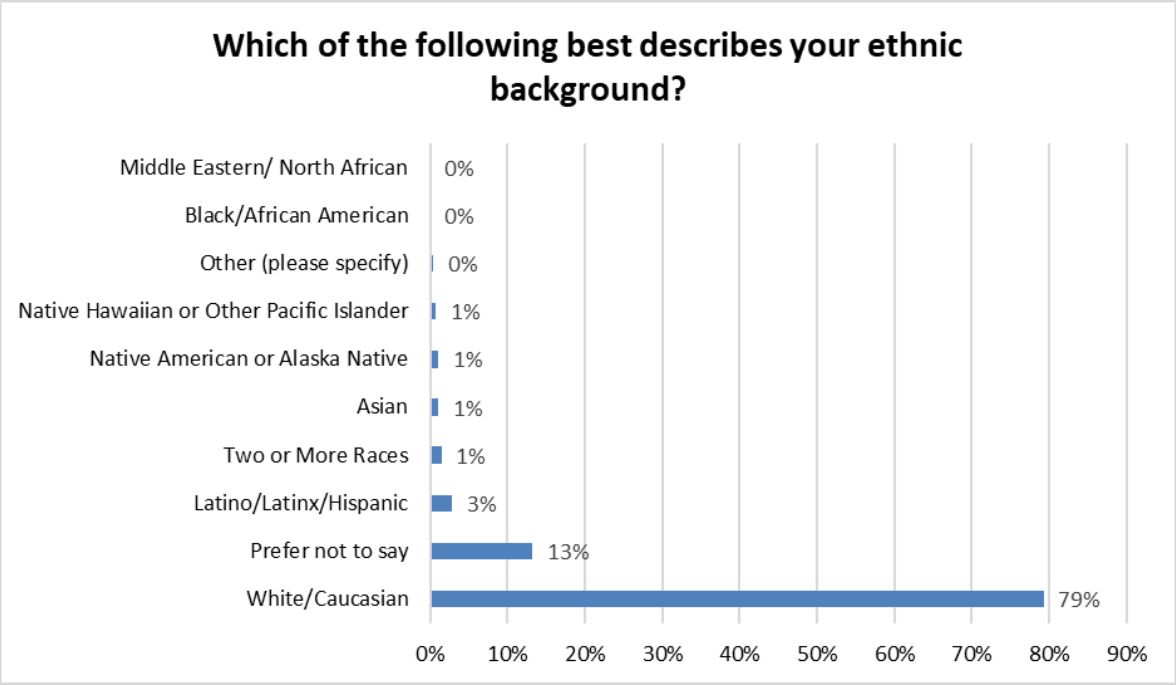
13. This graph shows the age distribution of survey respondents. The most common age group is 65 to 74, followed by 75 to 84, indicating that older adults are well-represented in the survey.



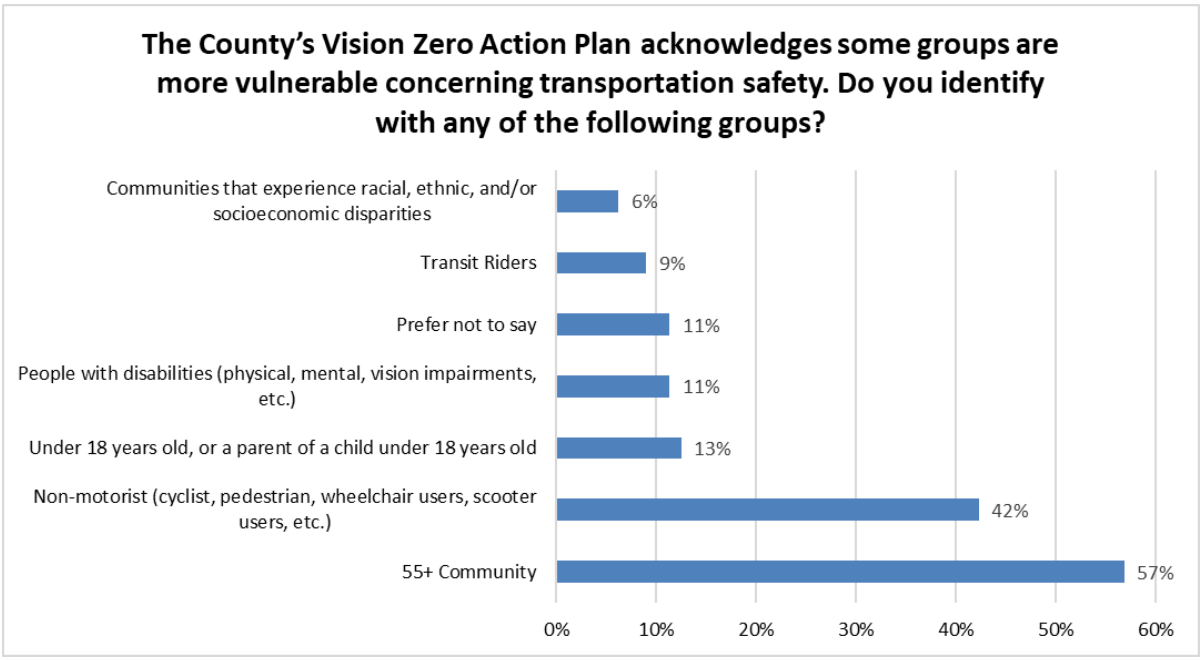

14. This graph displays the gender distribution of the survey respondents. The majority identify as female (62%), followed by male (33%), with a small percentage identifying as transgender, non-binary, or other (1%).



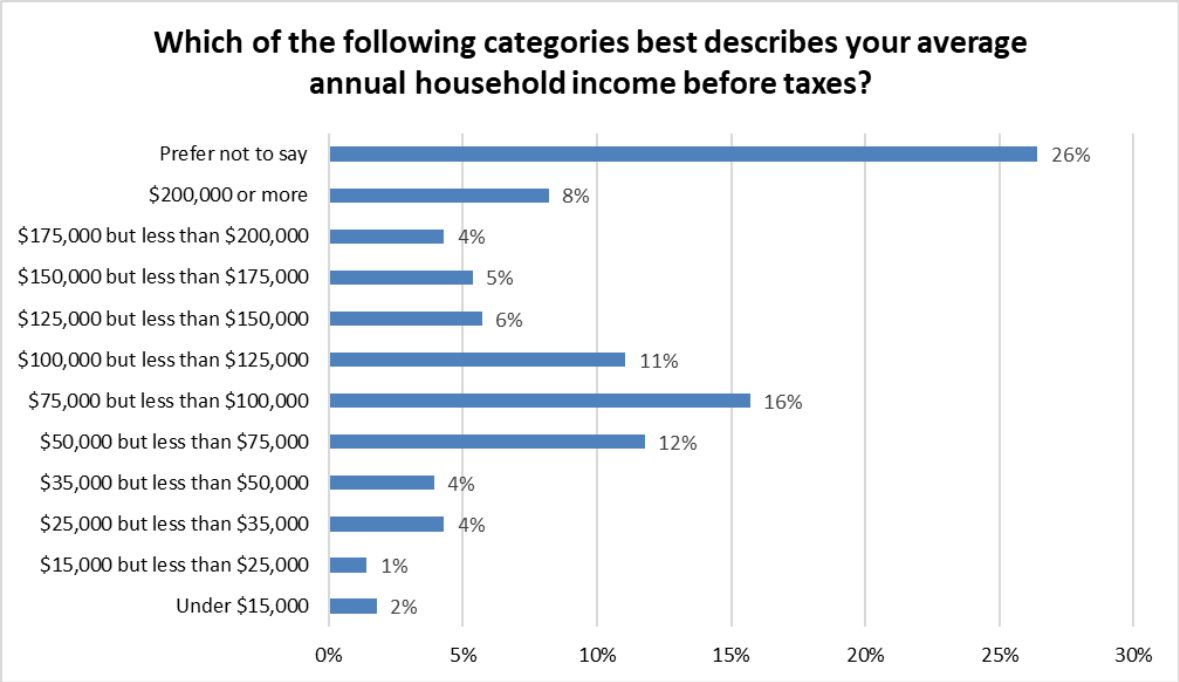
15. This graph illustrates the ethnic background of survey respondents. The vast majority identify as White/Caucasian (79%), while all other ethnicities are represented by relatively small percentages.



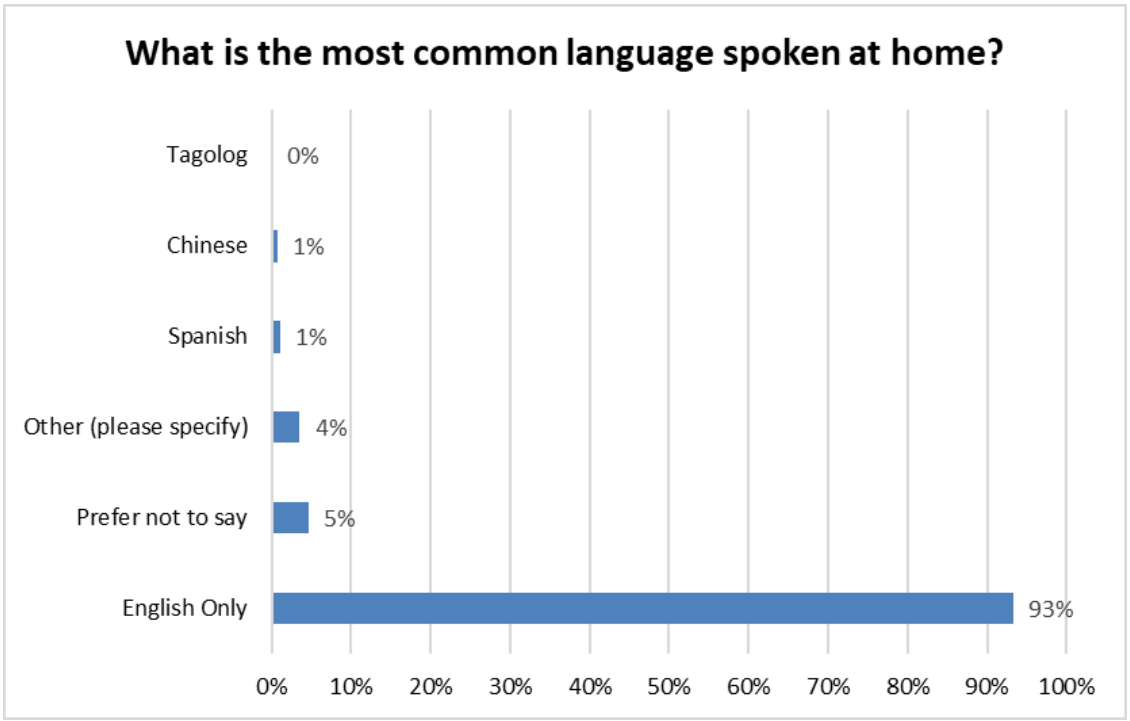

16. This graph shows the proportion of respondents who identify with groups considered more vulnerable in terms of transportation safety. The most common groups are the 55+ Community (57%) and Non-motorists (42%).



17. This graph shows the distribution of average annual household incomes among survey respondents. The largest group of respondents (26%) preferred not to disclose their income, while the most common income bracket reported was $75,000 to $100,000 (16%).




18. This graph displays the most common language spoken at home by survey respondents. An overwhelming majority (93%) reported speaking only English at home.



## PUBLIC FEEDBACK RECEIVED AT THE IN-PERSON POP-UP EVENTS

**Unincorporated Island County**
Camano Island IGA Market Plaza
Date: July 27, 2024
Feedback Received: No feedback was received at this event. Project business cards, flyers, and tote bags were distributed to the public shopping at the Camano Island IGA Market Plaza to increase awareness of the CSAP efforts in the IRTPO region.

**City of Oak Harbor**
Bayview Farmers Market
Date: July 27, 2024
Feedback Received

- Supportive of Speed Cameras, Speed Feedback Signs
- Recommend wide shoulders everywhere
- Some community members recommend a signalized intersection versus a roundabout at Highway 525 and Honeymoon Bay-Bush Point Road
- Areas of Concern:
    - Cyclists find that the chip seal is very unsafe
    - Add a stop sign on Madrona Heights Road and SR 20
    - Recommend resurfacing Langley Road
    - People are concerned about speeding along Chick Road near Arrowhead Road
    - Sight distance issues from N Vista Del Monte to Chick Road (drivers cannot see over the hill when they turn left)

Oak Harbor National Night Out
Date: August 6, 2024
Feedback Received:

- Consider adding sidewalks to Crescent Harbor Road/Regetta Drive.
- Add sidewalks along:
    - Crescent Harbor Road
    - Regatta Drive
    - NE 7th Avenue (west of SR 20)
- Remove the vegetation at the SR 20 and Banta/Northgate roundabout to improve visibility
- Add wider shoulders or a parallel shared use path along SR 20
- Some concerns of speeding along Monkey Hill Road towards SR 20. Suggest more enforcement in that area.
- Add additional parking near Deception Pass or a shuttle to and from the bridge.
- Suggest prohibiting right turn on red lights throughout the City
- The push button on SE 8th Avenue and SR 20 needs to be fixed

**City of Langley**
Langley National Night Out
Date: August 6, 2024

Feedback Received

- Pulling out of Liberty Market onto SR 20 is very bad, as drivers are traveling too fast on Highway 20 in both directions, making it scary to turn onto the highway.
- Double Bluff Road and WA 525 intersection – there are lots of crashes here. A firefighter reported that he has been working in the county for 3 months and there have been 6 or 7 crashes there.
    - The intersection is from a public beach turning onto a highway with blind corners on both sides, so pulling out is concerning.
- Coles Road does not have many crashes, but crashes along this roadway involve serious injuries.
- Deer Lake Road & WA 525 intersection and Commercial Street & WA 525 Intersection has lots of ferry traffic. This intersection should have an all-way stop. Drivers use the ferry lane and block the intersection, so you cannot get around them from the side streets.
- S Central Avenue has a 25-mph posted speed, but drivers travel around 40-mph. There are no speed limit signs on either side of the roadway.
- Sixth Street/Camano Avenue and Cascade Avenue intersection – a great intersection for a slow speed roundabout, the roadways are wide enough for one.
- Sixth Street needs a widened sidewalk to make it a real sidewalk.
- Saratoga Road needs a pedestrian walkway.
- Coles Road & WA 525 intersection – the intersection needs to be improved, but installing a traffic signal is too much. Traveling northbound brings you over a lip, and the stop sign is not visible until drivers are over the lip causing lots of safety issues.
- All of Coles Road needs improvement.
- De Bruyn Avenue and 3rd Street intersection – install a crosswalk.
- Generational Park off of the De Bruyn Avenue and Saratoga Road intersection – crosswalks need to be installed for both directions.
- Swede Hill Road & Scatchet Head Road intersection – the road makes a 90 degree turn and drivers speed through missing the stop and yield signs, very concerning intersection. The intersection needs more visibility, drivers are unable to see who will sideswipe their car because of the hill.
- Install a turn lane on WA 525 at Kramer Road for drivers entering the Bayview Recycle Park. There needs to be space for drivers to wait to turn in because there's high speed traffic in Both directions, and drivers are currently passing on the shoulders.
- Drivers stop along Cambo Road to turn, consider installing a turn lane.
- The intersection just south of Cameron Road and 525 WA has a mound and a walkway that block your view of the road until your vehicle is in the roadway. This needs more visibility.
- Woodard Avenue has high speeds and low visibility.
- Along SR 20 next to Ryan's House for Youth and Island Transit – need to install a pedestrian crossing sign there. There's a homeless shelter nearby, so there are many pedestrians crossing the street.
- Double Bluff Road and WA 525 intersection is very concerning. Many community members stated this.
- One community member shared their experience of being hit while riding their bike along Sandy Point Road between Decker Avenue and Furman Avenue. They were hit while riding

over a sharrow. They would like bike lanes to be installed throughout Island County and hope that more off-road paths can be installed.
- Fatal crash by the county store along WA 525 going up the hill to Greenbank. Drivers tried to pull out onto the busy highway.
- Drivers speed on the backroads, which feels unsafe at night because most drivers are speeding.
- Driving is scary in Baby Island Heights. Drivers are speeding and travel at about 50-mph when the posted speed is 35-mph.
- Anywhere on the south end where you need to turn onto the highway feels like you're going to get killed.
- The road edges are not wide enough for cyclists. This cyclist mentioned they stopped cycling because it felt unsafe. Cycling along East Harbor Road is very scary.
- There are many roads without a shoulder in Island County.
- Driving in the south end feels safe but biking feels unsafe.
- Maxwelton Road has a transit stop near multiple schools and does not have a sidewalk off of WA 525. Elementary schoolers, middle schoolers, and high schoolers use this transit stop and it is very unsafe for them. One parent mentioned they do not allow their kids to use this stop because it feels unsafe.
- Lots of little crashes happen coming off the ferry from drivers who are not paying attention.
- Many crashes in Island County occur from drivers swerving to avoid hitting a deer and driving into a ditch or hitting a tree.
- A few community members mentioned that speed limits are not enforced throughout the island, leading most drivers to speed. They want to see speed limits enforced.
- On East Harbor Road there is a curve known as Dead Man's Curve where many fatalities have happened. There are yellow caution signs at the curve, but many drivers speed.
- Many cyclists along Goss Lake Road. There are lots of blind corners where drivers must go around bicyclists, and it feels unsafe.
- One community member shared their experience of being in a major crashes along WA 525 near Newman Road. They were stopped because a vehicle five cars ahead stopped to turn left on the roadway because there are no turn lanes. A vehicle traveling at 60-mph hit the bicyclist from behind.
- Along WA 525 near Coles Road drivers pass on the shoulder which is not wide enough to be a lane and almost drive into the ditch.
- Many drivers are speeding on their way to catch the ferry at speeds approximately 70- to 80-mph.

**Town of Coupeville**
Coupeville Farmers Market
Date: April 20, 2024
Feedback Received: No feedback was solicited at this event. Instead, project business cards and flyers were shared with farmers market attendees to spread initial awareness of the IRTPO CSAP project commencing.

## PUBLIC FEEDBACK RECEIVED ON THE PROJECT WEBSITE

During the entire engagement period from April to mid-November 2024, the interactive map received 400 total comments throughout the IRTPO region. Figure 13 shows the finalized interactive map on the project website with all the comments that were received.

The interactive map received 198 vehicle related comments, 155 pedestrian and bicycle related comments, 14 transit related comments, and 33 general comments.

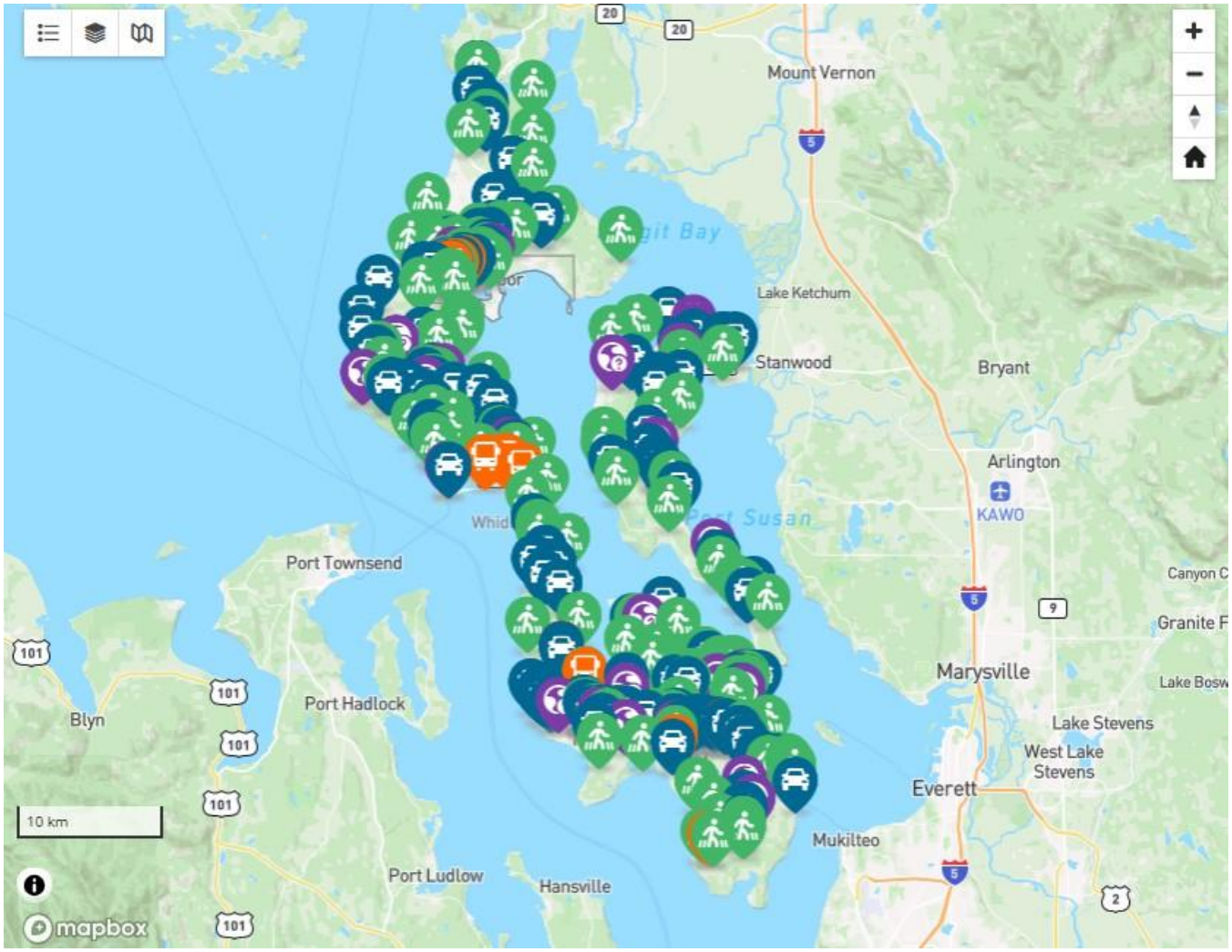



**FIGURE 13: IRTPO CSAP PROJECT PUBLIC COMMENTS ON THE INTERACTIVE MAP ON THE PROJECT WEBSITE**

## PUBLIC FEEDBACK RECEIVED THROUGH THE SOCIAL PINPOINT SURVEY

Survey Question: Are there specific areas, intersections, routes, or locations within Island County that you feel are unsafe or people traveling? Please share below.

### Unincorporated Island County (Whidbey Island)

- Pretty much any road that doesn’t have a full shoulder is unsafe. Sidewalks probably aren't feasible in most of the unincorporated areas of the county, and wide enough shoulders would be game changing for people who are not in a car.
- Libbey Road and Highway 20 intersection – 20 going down the hill into town near Heritage Bank
- Regatta Drive
- Bush Point Road and the Highway need a roundabout, one comment I heard was it wasn't in the State Plan, only the County Plan, that's a failure of the locals.
- Coles Road and Highway 525
- Intersection Highway 525/Bush Point Road/Honeymoon Bay Road
- Smugglers Cove Road - speeding Highway 525/US 20 speeding
- Engle Road. The county has had significant input from the citizens as to extreme safety issues we face due to poor physical directing of ferry traffic to Highway 20, 525, and Race Road and the poor conditions of this intersection making drivers choose to rocket through rural county roads into Coupeville. The reverse is true as well as drivers race to the Coupeville ferry due to the reservation system and limited number of boats. I have tried to take the pulse of a dead man, comforted a lady with multiple compound fractures, had an ambulance helicopter land in my field, and so many pullovers by state patrol in our driveway that it begs to question why the commissioners can’t hear our concern. The county takes input, makes partial change but then completely ignores requests to make sections of the road no passing. The Town of Coupeville has extended their no passing right up to the county limits, now is the time to extend this to the ferry. Make Engle Road 35-mph the entire way.
- Highway from Coupeville to Greenbank - inadequate shoulder
- Too many straight roads which encourages speeding. Drivers drive better when they can't go fast because the road isn't straight.
- The intersection of Bush Point Road, Highway 525, Honeymoon Bay Road is very unsafe. The intersection of HWY 525 and Smugglers Cove Rd. is unsafe. The stretch of Highway 20 between Race/Wanamaker intersection and the OLF (Welch Road.) is unsafe.
- Highway 525 at Coles Road
- Brainers Road and Amble Road
- Illegal passing when highway drivers stop to turn onto Double Bluff Road at SR 520, speeding up to 60-mph on Bayview Road
- Highway 525 and Bush Point Road, Thompson Road, Double Bluff Road, Honeymoon Bay Road
- SR 525 at Bush Point Road. Desperately needs a traffic circle.
- Highways 525/20 corridors. Faster roads such as Cultus Bay Road, East Harbor Road with inadequate shoulders.
- All county roads, especially ones with narrow shoulders. Every crossing of Highway 525 is concerning. People often do not follow the traffic rules, especially at intersections. Drivers drive on the shoulder or cross the double yellow to pass.
- As the ferry vessel service declines, people are speeding more than in other years to and from the Clinton Ferry terminal -- for that "last 5 miles to or from the ferry". It's at very high-risk levels this Summer of 2024.

**Unincorporated Island County (Camano Island)**

- Highway 532, Country Club Drive to south end of Camano. How about turn lanes?
- Monticello Drive/E. Camano Drive
- S. Elger Bay Road from Oh-Zi-Ya to the end of the island - there are no shoulders, roads are twisty and windy - "turtles" on the road would be helpful. Also, more passing lanes along Camano Drive and Elger Bay Road – put them back! When they were painted, they took the hash marks away.
- Sunrise goes from 35-mph to 50-mph to 35-mph, in a relatively short span. Change speed to 35-mph for the entire road - it's residential, leads to 2 major parks and shouldn't be 50-mph to begin with
- Utsalady Road curve near Good Road. Narrow road on Utsalady Road (no shoulder) same issue on Rekdal Road.
- On 2 lane roads, passing at high speeds, careless of people walking or getting their mail, deep ditches, no shoulders, all concerning for walkers and wildlife.
- Utsalady Road - both eastbound and westbound
- On Camano Island the intersection at Monticello Drive and East Camano Drive/Elger Bay Road. My son was hit and injured by a driver that pulled out from the stop sign. Round-about would have helped.
- N. Camano Drive going uphill from Utsalady. Southernmost end of Camano
- Island County Annex entry needs to be 35-mph zone
- West Camano Drive, narrow shoulders
- Camano Hill Road is a popular bike route. It is concerning to bike or walk up or down the east side, which is steep and has a deep ditch on one side.
- East Camano Drive and West Camano Drive
- Sunrise Boulevard has been designated as a bike route, yet has no shoulders or grassy area wide enough for cyclists. This is unsafe for everyone.
- Camano Road (both south east Camano and South Camano to the south end) have poor lighting and seniors like myself feel unsafe and do not drive at night. Not enough overhead lights.
- SE Camano Drive by country club neighborhood (by ~Fairway Street and Teresa Street) - speed limit reduces to 35-mph but cars often going much faster and pedestrians often cross this street.
- East Camano Drive, West Camano Drive, North Camano Drive

**City of Oak Harbor**

- Goldie Road & Highway 20 needs turn lanes. Roundabout top of Crescent Harbor Road. Weight limit on Regatta Drive. Monkey Hill Road & Highway 20 roundabout. No roundabout at Fakkema Road & Highway 20...DUMB! SPEED BUMPS randomly on the Highway 20... just to people to slow down
- SE 8th Avenue and Midway Boulevard intersection crosswalk isn't safe at all. Closest to the church drivers can't see the crosswalk light and almost hit people. People playing loud music with subwoofers needs to be addressed too. At 1am is not acceptable.
- Reservation Road, Busby Road, Eagle Ridge Road, Crescent Harbor Road are all 2 lane roads with Excessive Speed

- I run/bike in the mornings for exercise and it would honestly be easier to list the safe places because there are so few. The bike lanes and shoulders are too small or non existent and cars drive in them. Nobody stops at stop signs at all so every crossing feels unsafe. The cops just sit at the bottom of hills worrying more about their stupid speed traps.
- All Highway 20 and Highway 520
- The road leading out of Oak Harbor and going into Coupeville is a massive bottleneck that's already bad enough for drivers. I can't imagine any cyclists or pedestrians going through that area safely at all during the peak hours.
- Arnold Road, trying to cross Highway 20. Often on foot or on my bike I have to wait 2 to 3 minutes for a break in the high-speed traffic.
- Highway 20 and SW 24th Avenue intersection. Vehicles driving North to Oak Harbor exceeding the speed limit make turns on to 24th Avenue for a cyclist unsafe.
- Highway 20 in spots that have passing lanes and drivers exceeding the speed limit to pass cars.
- Highway 20 between Coupeville and Oak Harbor. Highway 525
- Road or pavement maintenance condition (potholes, refuse and gravel on paved shoulders)
- There's a section of Regatta Drive that has no streetlights whatsoever and no shoulder for cyclists to use. I would love to see that stretch become better lit, especially with the new construction up there.
- Almost anywhere along Highway 20 feels unsafe to bike, however the section around Penn Cove is feels unsafe, until the biker can get to Madrona Way. The intersection of Main Street in Coupeville and Highway 20 feels unsafe, fortunately there is a raised sidewalk but only on one side. The intersection in Oak Harbor near the Petco and Highway 20 feels too congested.
- Arnold Road. 50-mph is too fast for a street with bus stops, blind driveways, many walkers with no shoulder. Arnold Road west of 20 is 40-mph without the above concerns. It should be uniform.
- West Beach, Fort Nugent to Hasty Lake
- Silver Lake Road needs to lower the speed limit. Many deer enter the road and vehicles especially motorcycles use it as a race track often! It's horrifying!!!
- Ault Field Road/Highway 20. I'm very surprised a roundabout is going in at Fakkema Road given the accident data supports Ault Field Road. That light coming from Anacortes gets backed up to Sleeper in the afternoons sometimes. Ideally, roundabout at Fakkema Road, but connect to Ault Field Road. Eliminate the Ault Field Road signal and turn that section of Ault Field Road into parking lot for the static airplanes.
- Intersection of SR 20 and Barrington Drive. Intersection of SR 20 and Erie Street. Intersection of SR 20 and Swantown Road. Any street with speed of more than 25-MPH without at least one side of sidewalk.
- Highways 525 and 20 - they are too dark from dusk to dawn. Cars tend to use their brights to travel due to lack of lighting, blinding oncoming traffic.
- The intersections that still have no turning light. They are to yield to ongoing traffic. SR 20 and 8th Avenue, Whidbey Avenue and Regatta Drive, Bayshore Drive and Regatta Drive. Regatta Drive in general is a bad road with lots of speeding and difficult with morning traffic due to the school and cdc's there needs to be more flow. Crescent Harbor Road needs more

than a blinking light. I have had multiple friends get in accidents with drivers coming on and off the base. Mostly I don't walk due to the homeless population moving by the movie theater. It's near all the local businesses and unsafe with small children.

- Anywhere off of Highway 20 with no light or roundabout for people to turn left back onto Highway 20. Intersection at Highway 20 and 7th Avenue, people run the red light each time I am in this area traveling to NWMS. There is not a safe method for crossing Highway 20 here and the there are no sidewalks. There is another entrance to NWMS from Highway 20, that crosses 4 lanes of traffic. Buses use this frequently and without a light, it is feels unsafe. Also, it is quite far away from a cross walk.

**City of Langley**

- School zones. People turning left off of or onto Highway 525 south island.
- Langley Road (running from the highway through to Langley) has a speed limit of 40-45-mph, but that is too fast for the winding road, frequent risk of animal crossing, bicycle and pedestrian usage, and weather hazards (fog, rain, ice, etc.). In addition, the availability of bus stops around Langley itself is too interspersed to be useful. The stops also often lack available seating, a cover for rain, disabled accessibility, and additional information regarding the route.
- Sandy Point Road
- Crawford Road
- Highway 525 & Crawford Road intersection desperately needs a left turn lane (heading south). A friend of mine was hit from behind there. Make bike paths next to the highway in sections where it is not possible to avoid tilt off on a bike, such as between Bayview Road and Newman Road.
- YES! Highway 525 & Crawford Road. Just counting myself and my own family, we have had FOUR rear-end-hit high-speed accidents while facing south and stopped for turning there. 2 of those resulting in totaled cars! This intersection MUST have a left turn lane or roundabout before someone gets killed. Too many drivers are heading at 50-60-mph for the ferry and not paying attention to a stopped vehicle at that unassuming spot. Very recently I was in a 3-car rear-ender there, stopped w/turn signal on, and a vehicle stopped behind me, slammed at 50-mph by a truck, totaling all 3 vehicles!! DO SOMETHING about this intersection.
- The lack of left-hand turn lanes on Highway 525 and the very narrow shoulders on many thru roads
- Difficult to cross Highway 525
- Road or pavement maintenance condition (potholes, refuse and gravel on paved shoulders)
- Crossing Highway 525 in general
- Langley bus stop at Ken's corner across from gas station people speed in cars and have slid during rain and snow conditions on road. Also at stop light, Highway 525 and Chorus Bay Road people turn without stopping as people are crossing street
- None more so than any other.
- Crawford Road
- Specific area: When heading north, people turning left before the Goose grocery store and when heading south, people turning left onto Coles Road

- Driving between Coupeville and Greenback. Narrow lanes - road not well enough marked.
- The 4-way intersections at E and S Harbor Road in Freeland on Main Street. The intersection at Kramer Road along the highway. The highway at night. People slowing to turn at Midvale Road and other turn offs along the highway where the car slowing to turn doesn't have a turn lane.
- Aggressive Drivers, tailgating.
- Highway 525 in the forested areas with little to no street lighting
- City of Langley due to speed, not stopping at intersections, complete lack of law enforcement.
- Walking or biking along Highway 525, Goss Lake Road and East Harbor Road
- Saratoga Road and the highway.
- The intersection of Camano Drive and Cascade Drive and 6th Street. Drivers (3 out of 5) do not come to complete stops here.
- 35-mph speed limit on County section of Sandy Point Road needs to be lowered to 25-mph to match Langley's speed limit and slow traffic on this highly used pedestrian and bicycle lane. Solar radar sign needs to be permanently installed on the east end of Sandy Point Road signaling cars and trucks to slow down to 25-mph once they round the 90 degree turn from Wilkinson Road toward Langley. Also, at the 90 degree turn from Park Street to 6th Street in Langley, a Solar radar sign needs to be permanently installed on the east end of 6th Street facing east. Pedestrian and bicycle traffic is extremely high here and car and truck traffic is often too fast to be safe.
- Bayview Road, Coles Road, Langley Road, Maxwelton Road
- The Highways 525/20 backbone is the first priority. Specifically the area north of the OLF through the curves.
- The curves at the lower end of Fairgrounds Road, just above Langley Road. This is a common walking route with babies in strollers to elders with canes. A very popular walking route but only walkway is the road itself. There is 15-mph signage, ignored by many. No speed bumps, no shoulders of any width on either side, no warnings of blind curves. When cars approach either at all fast, and when someone is walking on a curve: this is a tragedy in the making.
- If cycling from one end of the island to the other, there are a few places where we have to jump on a highway and then transition to a side road. Could you use bike lanes in these areas? Between Admirals Cove and Smugglers Cove, Greenbank and Resort Road. Highway 525 has some other area going towards the ferry that could use a bike lane. Better signs too would help cyclist.
- Highway 525 and Double Bluff Road
- Bayview Road for bicycles

**Town of Coupeville**

- Where Highway 20 meets Ebey Road is a concerning intersection.
- Engle Road has excessive speeding often correlated to ferry traffic traveling from Coupeville to Keystone terminal. Additionally, the "pulse platoon" style of traffic pattern associated with unloading ferry traffic that turns onto Engle Road instead of using State Route 20 as it

should being part of the state highway system is consistent with the rural character and neighborhood residential living of those of us on Engle Road.

- Freeland lights and intersections at highway-Drivers are unsafe
- Rural roads with no shoulders for cyclists. Sections of the highway where there's no alternative to travel via bike, such as between Smugglers Cove and Admirals Cove (Highway 525). Section of Highway 20 between Race Road and Patmore Road where there is NO shoulder. WE NEED THE BOAT TO BRIDGE TRAIL.
- E Race Road and Highway 525 crossing
- Speeding on Wanamaker Road
- Highway 20 and Broadway in Coupeville
- I bicycle a lot and have the skill set that a lot of people don't have. I'm well aware of my surroundings but on roads that have no shoulders signs should be installed to share the road with bicycles.
- SR 20 and Broadway intersection needs a roundabout
- SR 20 and Broadway/Ebey Road
- There should be a continuous paved non-vehicle path from Oak Harbor to Langley, to allow safe passage for bikes, walkers and runners. This would take that traffic off the road, and would be great for all groups: every day users, and visitors. This is such a beautiful place to live!
- For cycling - from Rhododendron Park to Race Road
- Yes! My 2022 Subaru Crosstrek that I had just recently purchased was totaled by a teenage distracted driver on 4/20/24 who rear ended me while I was at a full stop in a line of traffic on Highway 525 south at Cameron Road in Freeland. That intersection ahead is extremely busy as people hear use Main Street for shopping at Payless, Ace and all the small businesses there. From Cameron Road and all the way through Freeland there are way too many car accidents. People drive too fast and too close behind other cars and there are rarely police or sheriffs giving out speeding tickets. And I have found the sheriffs on the island to be rude and incompetent, especially on scene at my faultless car crash.
- Holmes Harbor and Bush Point Road. Needs a roundabout or stop light or even a 4 way stop.
- Highway 20 from Race Road to the Rhododendron Park is a death trap, yet listed as a cycling route on maps. The project to widen has been 'in planning' for years, while accidents and deaths pile up. Wide shoulders are a start, a dedicated path (walking/cycling) from the ferry to Deception Pass Bridge is an absolute must.
- Crossing Highway at Race Road to get to the bus stop
- Intersection of SR 20 and NW Broadway is concerning. With high traffic speeds and increased traffic, people are taking more risks. Serious collisions and deaths have occurred. Data collection on these accidents has been poor.
- Especially Engle Road or other roads on South End with varying speed limits between 35- and 50-mph. Drivers almost always just go 50-mph despite lower posted speeds. And if the road is straight, they are often weaving because they are likely texting or otherwise engaged with their cell phones.

- Libbey Road and Highway 20, Madrona and Highway 20, NW Broadway and Highway 20, West Beach Road (speeds in excess of 70-mph in mornings and afternoons around the time the military go to work and go home)

## COMMON THEMES AND TRENDS

The IRTPO CSAP engagement process resulted in the project team receiving hundreds of comments in-person and online. Comments from the public included personal testimonials, safety concerns, and suggestions for improvements throughout the IRTPO region. The most common type of feedback we received from community members from both islands were the following:

- Concerns about speeding vehicles, consistency of posted speed limits, and the desire to increase speed enforcement
- Bike and pedestrian facilities and infrastructure improvements, especially the widening of shoulders and the addition of sidewalks, multi-use paths, and off-road trails throughout both islands
- Concern about impaired and aggressive driving
- Intersection treatments such as roundabouts, neighborhood traffic calming circles, stop-control improvements, and signalization
- Concern for motorcyclist safety – both motorcyclist and vehicle behavior
- Continuation of the Deception Bridge to Ferry Trail project
- Traffic calming along SR 525 and SR 20 throughout the IRTPO region

## ENGAGEMENT IMPACT

The engagement conducted throughout the IRTPO CSAP project timeline helped inform the project team of other potential locations with safety concerns that may not have appeared in the crash data, high injury network, or safe system network, such as locations of near-miss pedestrian and cyclist crashes, which are historically underreported in crash data. The engagement was also used as part of the scoring matrix for project prioritization. The project team was able to develop and prioritize safety improvement projects based on – amongst many other factors – whether they were mentioned by the public through any of the engagement processes.

APPENDIX E

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# COMPREHENSIVE SAFETY ACTION PLAN

TOOLE DESIGN

720 3RD AVENUE
SUITE 2020
SEATTLE, WA 98104

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# Task 2.3 Equity Analysis Framework
# IRTPO Comprehensive Safety Action Plan

August 7, 2024

## INTRODUCTION

As a part of the Island Regional Transportation Planning Organization's (IRTPO) process of developing a Comprehensive Safety Action Plan, the project team developed a methodology for identifying communities that experience disproportionate safety impacts. The focus was placed on communities that have been subject to historic marginalization, disenfranchisement, and disinvestment to examine how past harms may continue to disadvantage them, specifically in terms of traffic violence.

The goal of the analysis is to present IRTPO with tools for distinguishing populations that are underserved and under-resourced and an approach to assessing how these populations are disproportionately impacted by the safety risks on the transportation system. The results of the analysis reveal demographic patterns in safety outcomes and provide valuable information for adopting an equity lens to prioritize safety investments. Taken with crash analysis, development of the High Injury Network (HIN), and community engagement findings, the results can provide an understanding of the implications of safety risk disparities in various communities.

This document begins with background information to describe Toole Design Group's approach to equity analysis. Next, it details the methods of identifying populations and analyzing safety impact in relation to them. It then presents the results, spatially and graphically, and concludes with recommendations for applying the findings of this analysis.

## DEFINITIONS

**Community** and **population** are often used interchangeably to describe groups of people sharing similar characteristics or experiences. In this document, we use "community" to mean a people that share experiences or cultures. "Population" is used to describe a group of people defined by shared demographic attributes, typically identified through Census data.

**Equity** is a pluralistic concept that centers on the concept of fairness and justice. For a plan to address equity concerns of BIPOC communities, it must acknowledge historical marginalization, disenfranchisement, and disinvestment. An equity analysis should examine disproportionate impacts and disparate outcomes for those who have been harmed.

**Historically Disadvantaged Communities** refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.

**Low-income** refers to people or households that have financial constraints that impact their daily lives. There is no one threshold for what is considered low income. It can be described using poverty guidelines, median household income, housing burden, or transportation burden.

**Racial minority** and “non-white” are not terms used in this analysis. When referring to people that have been racialized, we will reference their specific identity (African-American, Asian-American, Pacific Islands, Hispanic, and Native American) or use the term Black, Indigenous, or Person of Color (BIPOC). Distinguishing Black and Indigenous people calls attention to the grave injustices that these communities have faced in this country.

**Transportation Insecure** is a component of transportation disadvantage according to the US Department of Transportation. It occurs when people are unable to get to where they need to go to meet the needs of their daily lives regularly, reliably, and safely.

# EQUITY ANALYSES

An equity analysis is one component of unraveling inequities and advancing transportation equity. It provides information that must be used in concert with knowledge learned through engagement to determine actions that improve the lived experiences of people who have been systemically burdened or have had benefits withheld. This quantitative analysis does not answer the question, “Is this plan/project equitable?” and instead should be used to inform investment and prioritization decisions to advance equitable outcomes.

A first step in equity analysis is identifying where historically disadvantaged communities are located. Such communities are distinguished using demographic and socioeconomic indicators from government data such as the US Census or American Community Survey. These indicators reveal how particular communities have been systemically oppressed and marginalized. They can be mapped to see where high equity need communities are located within a given jurisdiction. Examples of such indicators are listed in the appendices of this memo.

The geographic distribution of high equity need areas can then be spatially compared to various outcomes of the transportation system, such as safety risk. Outcomes experienced by various populations can be compared to each other, revealing disparities, and establishing a baseline to improve upon. The equity analysis can be used as a framework to make decisions and investments that eliminate socio-demographic disparities and redress past harms.

## Defining Populations

To see where communities with sociodemographic vulnerabilities are geographically located, the project team looked at four publicly available tools from Federal and State agencies:

1. Climate and Economic Justice Screening Tool (CEJST)[1]
2. Equitable Transportation Community Explorer (ETC Explorer)[2]
3. Sandy Williams Equity Needs Map
4. Washington Environmental Health Disparities Map

These datasets are not granular enough to recognize trends specific to local jurisdictions within IRTPO. However, they provide a foundation for agencies to incorporate equity when planning transportation safety improvements. Additionally, in order to meet eligibility requirements for Safe Streets and Roads for All (SS4A) grant funding, applicants must use either the ETC Explorer or CEJST to determine if a census tract is an underserved community.[3]

### *1. Climate and Economic Justice Screening Tool (CEJST)*

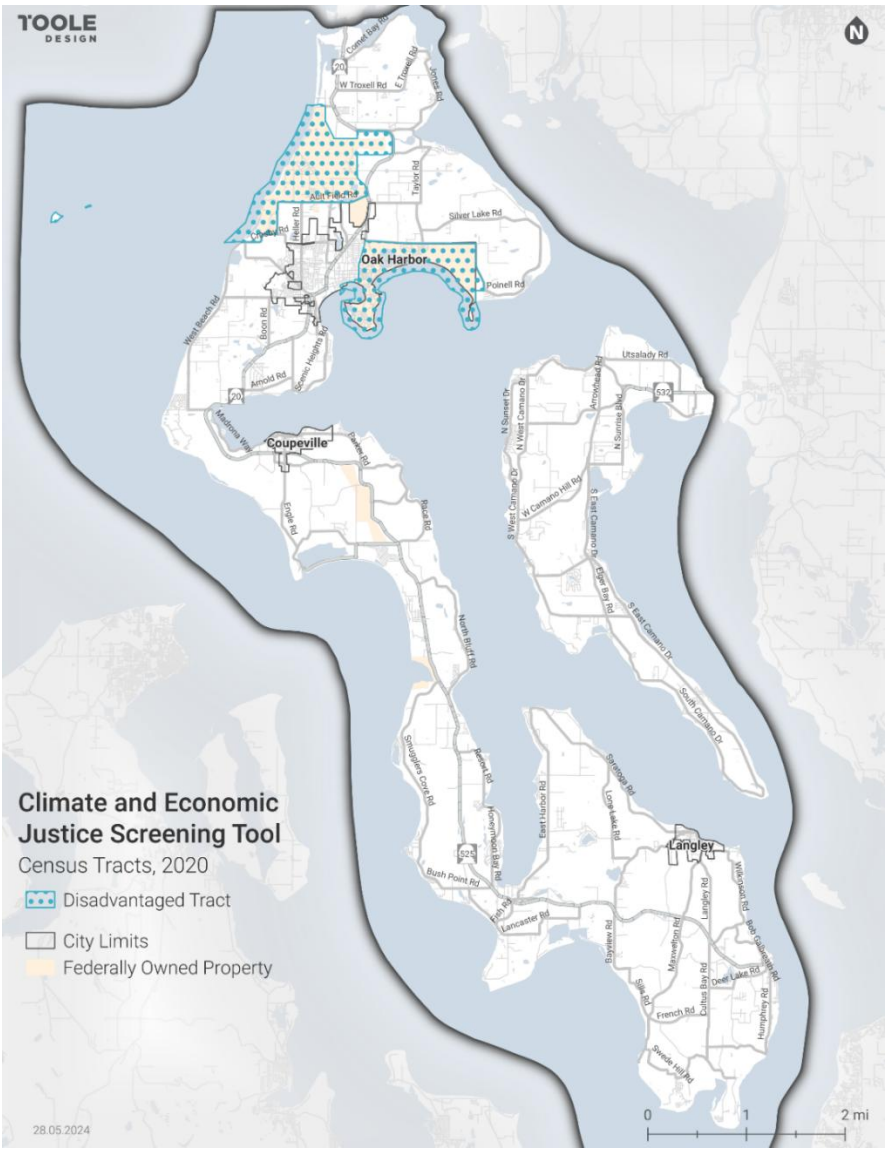
The CEJST is an online interactive map that identifies disadvantaged census tracts across the U.S. It was developed by the Council on Environmental Quality (CEQ) within the Executive Office of the President to help

[1] Council on Environmental Quality, CEJST, https://screeningtool.geoplatform.gov/en/#7.93/48.152/-122.307
[2] US Department of Transportation, ETC Explorer, https://www.transportation.gov/priorities/equity/justice40/etc-explorer
[3] US Department of Transportation, SS4A Frequently Asked Questions https://www.transportation.gov/grants/ss4a/faqs

Federal agencies direct investment towards disadvantaged communities under the Justice 40 Initiative.[4] The online tool shows information about the burdens that communities experience. It marks census tracts as disadvantaged based on data from a variety of Federal agencies. Appendix A further describes the methodology and lists the indicators aggregated by the online tool.

**Map 1** shows census tracts in Island County that are disadvantaged, according to the CEJST. Under this methodology, the areas of focus for equity needs are where military bases are located. However, these areas are nearly exclusively federal land outside of the jurisdiction of the agencies involved in this Plan.

**Map 1: Disadvantaged census tracts under the CEJST**




[4] The Justice 40 Initiative is a goal set by the Biden Administration in 2021 to have 40 percent of the overall benefits of certain Federal climate, clean energy, affordable and sustainable housing, and other investments flow to disadvantaged communities that are marginalized by underinvestment and overburdened by pollution. https://www.whitehouse.gov/environmentaljustice/justice40/

Source: Underlying data downloaded as shapefiles from CEJST website https://screeningtool.geoplatform.gov/en/downloads

*2.*

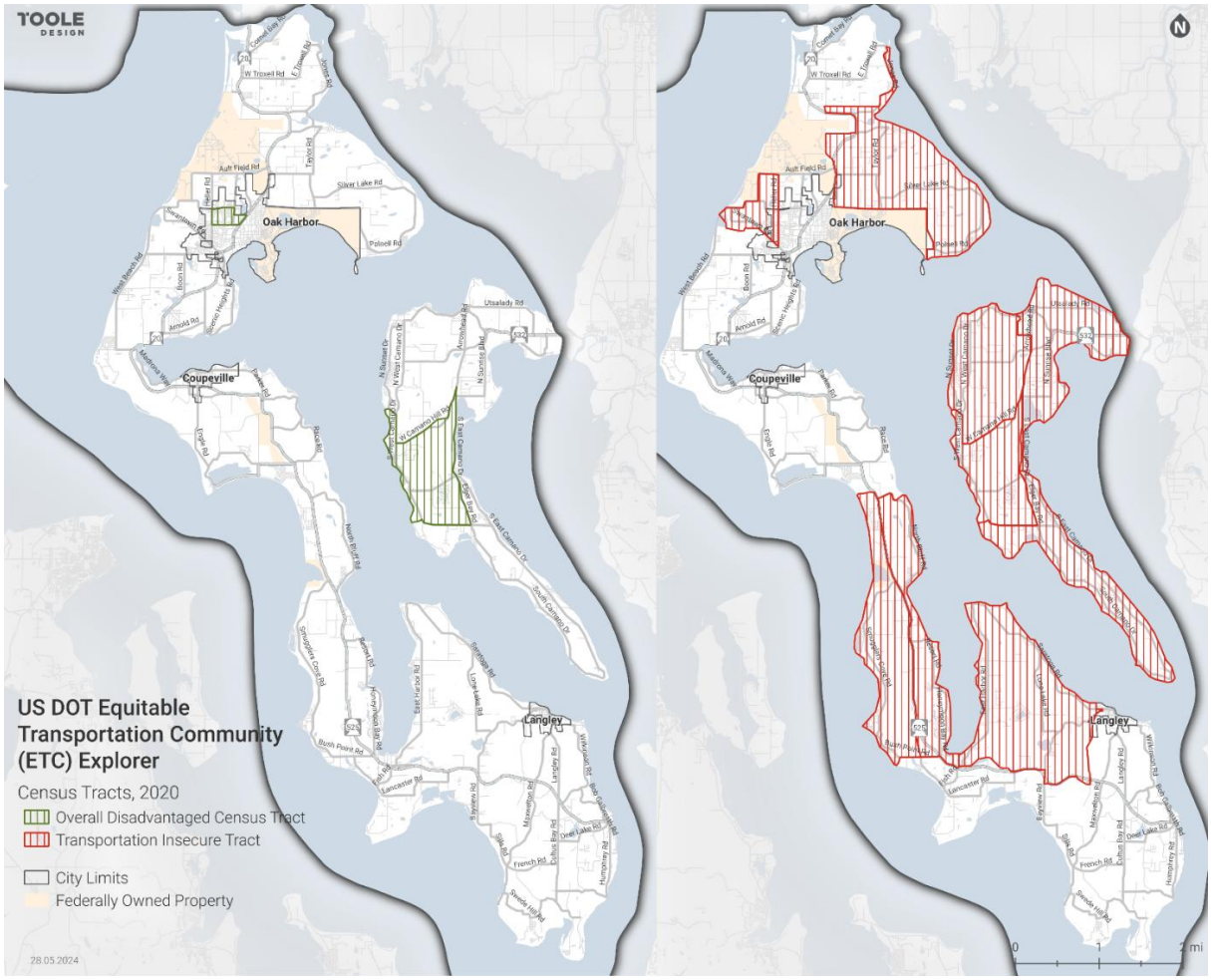
*Equitable Transportation Community (ETC) Explorer*

The ETC Explorer is an online interactive map and dashboard developed by the US Department of Transportation under the Justice 40 Initiative. It assesses the cumulative burden communities experience as a result of underinvestment in transportation using 2020 data at the census tract level. The tool allows users to understand how a given census tract experiences adverse effects resulting from the transportation system compared to other Census tracts nationally. It was designed by the USDOT to work in conjunction with the CEJST. The ETC Explorer tool uses over 50 indicators to develop five components of transportation disadvantage. Transportation Insecurity is one of the five components. It occurs when people are unable to get to where they need to go to meet the needs of their daily lives regularly, reliably, and safely. The other four components of transportation disadvantage are Environmental Burden, Social Vulnerability, Health Vulnerability, and Climate and Disaster Risk Burden. See Appendix B for a full list of all the indicators used to develop each component, as well as further description of the methodology.

The left-pane of

**Map 2** shows census tracts in Island County that are disadvantaged overall according to the ETC Explorer. The right-side pane shows census tracts that are transportation insecure. While most of the county may not be disadvantaged at an overall level, the majority is transportation insecure, including the entirety of Camano Island.

**Map 2: Disadvantaged census tracts under the ETC Explorer**




### *3. WSDOT Sandy Williams Equity Needs Map*

The Sandy Williams Equity Needs Map identifies census block groups in Washington state with high equity needs.[5] This tool scores census block groups in Washington based on their degree of equity and environmental justice needs. It was developed by the Washington State Department of Transportation (WSDOT) to identify and

Source: Underlying data of the ETC Explorer tool was accessed by connecting to the ArcGIS Online Feature Server linked under "DOT Disadvantage Census Tracts National Results Feature Service" on US DOT's website https://www.transportation.gov/priorities/equity/justice40/download-data

prioritize investment locations in the Sandy Williams Connecting Communities Program.[6]

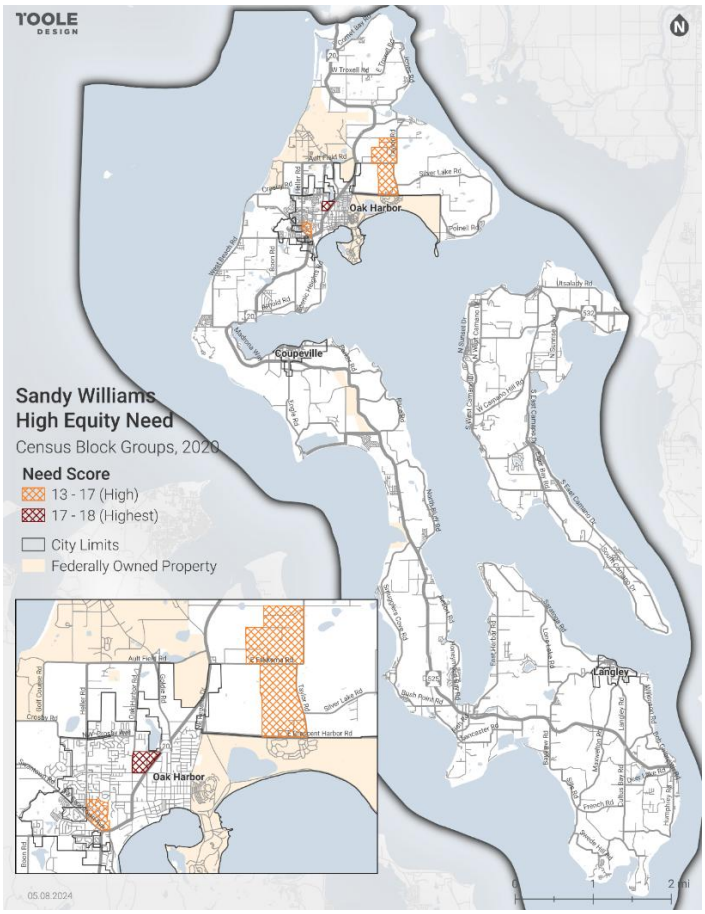
Each census block group received a score based on several factors, and the resulting scores were summed to create the final High Equity Need Score. A final score of 18 or above indicates the "Highest" need; a score of 14-17 indicates "High" need. Communities that fall within Highest and high equity Needs are the primary focus of the Sandy Williams Connecting Communities Program. Appendix C lists all factors that go into calculating the need score, and describes the methodology further.

[5] WSDOT, Sandy Williams Connecting Communities Program, Equity Needs Map, https://www.arcgis.com/apps/mapviewer/index.html?layers=1b90d1b89b77481cb6751024423bb245

[6] WSDOT, Sandy Williams Connecting Communities Program, https://wsdot.wa.gov/business-wsdot/support-local-programs/funding-programs/sandy-williams-connecting-communities-program

**Map 3** shows block groups in Island County with Highest and High Equity Need scores. Block groups in Oak Harbor and adjacent to military bases are areas of focus for equity needs according to this method.

**Map 3: Areas of high equity need in the Sandy Williams Equity Needs Map**




Source: Underlying data of the Sandy Williams High Equity Needs map was accessed by connecting to the Feature Server on WSDOT's ArcGIS Online environment https://data.wsdot.wa.gov/arcgis/rest/services/Shared/ActiveTransportationData/FeatureServer

*4.*

*Environmental Health Disparities Map*

The Environmental Health Disparities Map is an online dashboard developed by the Washington State Department of Health (DOH).[7] It includes an interactive map that compares census tracts across Washington State for environmental health disparities. The data in the online dashboard has 19 indicators, divided into four themes. One of the indicators displayed by the dashboard is Transportation Expense, defined as the percentage of income spent on transportation expenses for a moderate-income family. A moderate-income family is one that has a household income of 80 percent of the area median, the regional average household size, and the regional average commuters per household.[8] Transportation affordability captures many of the socioeconomic conditions that affect social health and well-being. Communities where transportation expense is high spend more and take longer to get where they need to go.

[7] Washington State DOH, Environmental Health Disparities Map, https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/washington-environmental-health-disparities-map

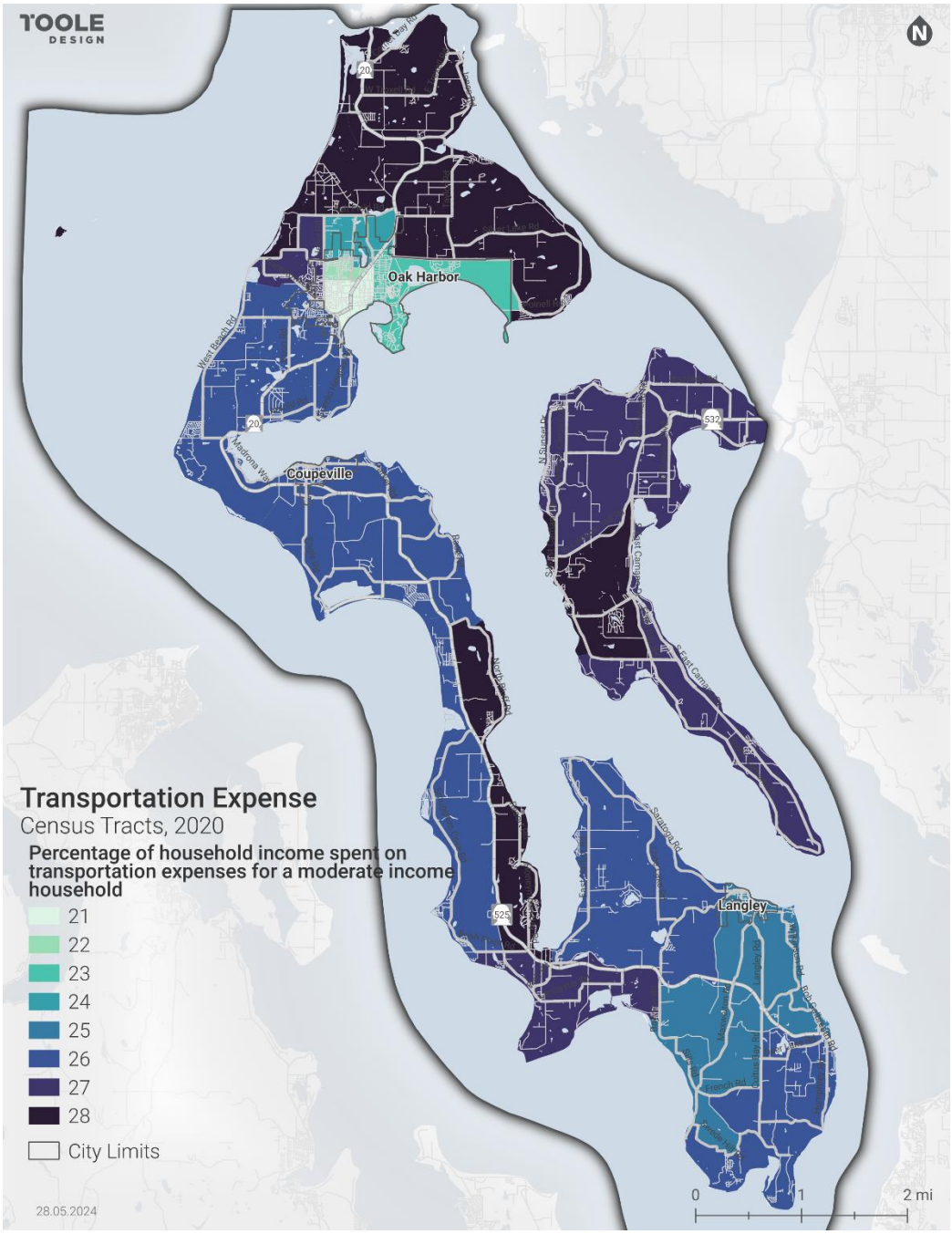
[8] Transportation Expense is further defined with methodology provided on the Washington State Department of Health's website https://fortress.wa.gov/doh/wtn/WTNPortal#!q0=862

Map 4 shows that community members in Island County spent between 21% and 28% of household income on transportation in 2020. Across the U.S., the average household spending on transportation was 11% of household income that same year.[9] The City of Oak Harbor and the Whidbey Island Naval Air Station are the areas with the lowest transportation expense in Island County, according to this data. Households in northern and central Whidbey Island, and in the entirety of Camino Island, have the highest transportation expense spending 27% or more of their household income on transportation. These areas are the relatively higher need areas that should be considered for focused safety improvements.

Transportation expense is an important consideration because, as Figure 1 shows, about 66% of people living in Island County are employed outside the county. With so many people having to leave Island County for work, households could alleviate their spending burden if they had alternative low-cost transportation options for non-work trips. Active transportation infrastructure can provide such lower-cost options.

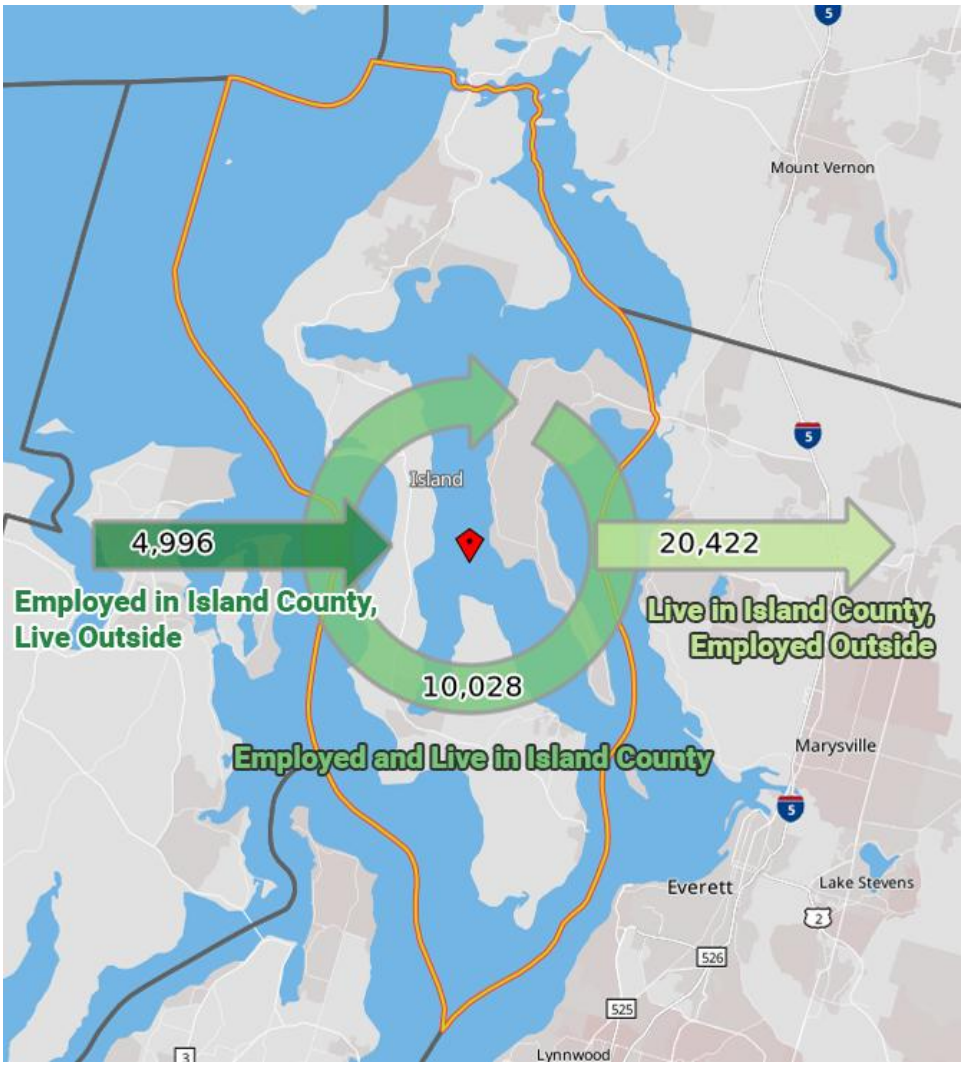
[9] U.S. Department of Labor, Bureau of Labor Statistics, Consumer Expenditure Survey https://data.bts.gov/stories/s/Transportation-Economic-Trends-Transportation-Spen/ida7-k95k/

**Map 4: Transportation expense indicator depicted by the Washington Environmental Health Disparities Map**




Source: Underlying data for transportation expense was sourced from the Center for Neighborhood Technology https://htaindex.cnt.org/download/data.php, per methodology of DOH.

**Figure 1: Worker flows in, out, and within Island County, 2021**




Source: U.S. Census Bureau, Longitudinal-Employer Household Dynamics Program (LEHD). LEHD Origin-Destination Employment Statistics 2021 (LODES) accessed on Aug-05-2024 at https://onthemap.ces.census.gov. LODES 8.1 [version]

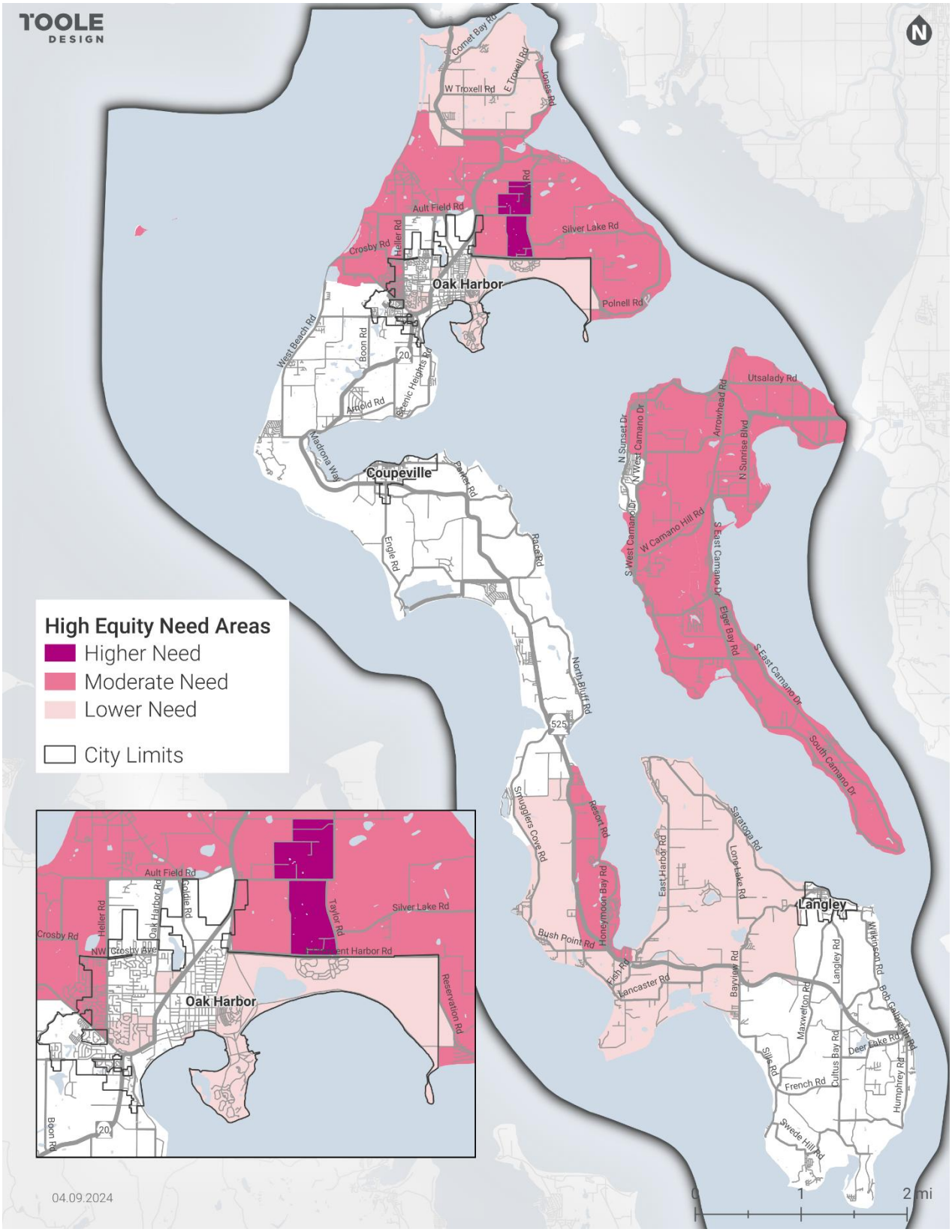
### *Summary of High Equity Need Areas*

When all four methods are shown together, as in Map 5, areas where the different methods overlap emerge as particularly high equity-need areas. This map layers all four equity analyses on top of each other:

- Block groups with a score of 13 or higher on the Sandy Williams Equity Needs Map
- Census tracts that are transportation insecure according to the ETC Explorer
- Census tracts that are deemed disadvantaged according to the CEJST
- Census tracts where households spend 27% or 28% of their income on transportation expenses

Communities just north of Naval Air Station Whidbey Island are transportation insecure, have a high transportation expense, and have a High equity need according to the Sandy Williams Equity Needs Map. All of Camano Island is both transportation insecure and has a high transportation expense. Places of overlap should be the focus for safety improvements and for targeted community engagement to better understand their needs.

**Map 5: High equity need areas**



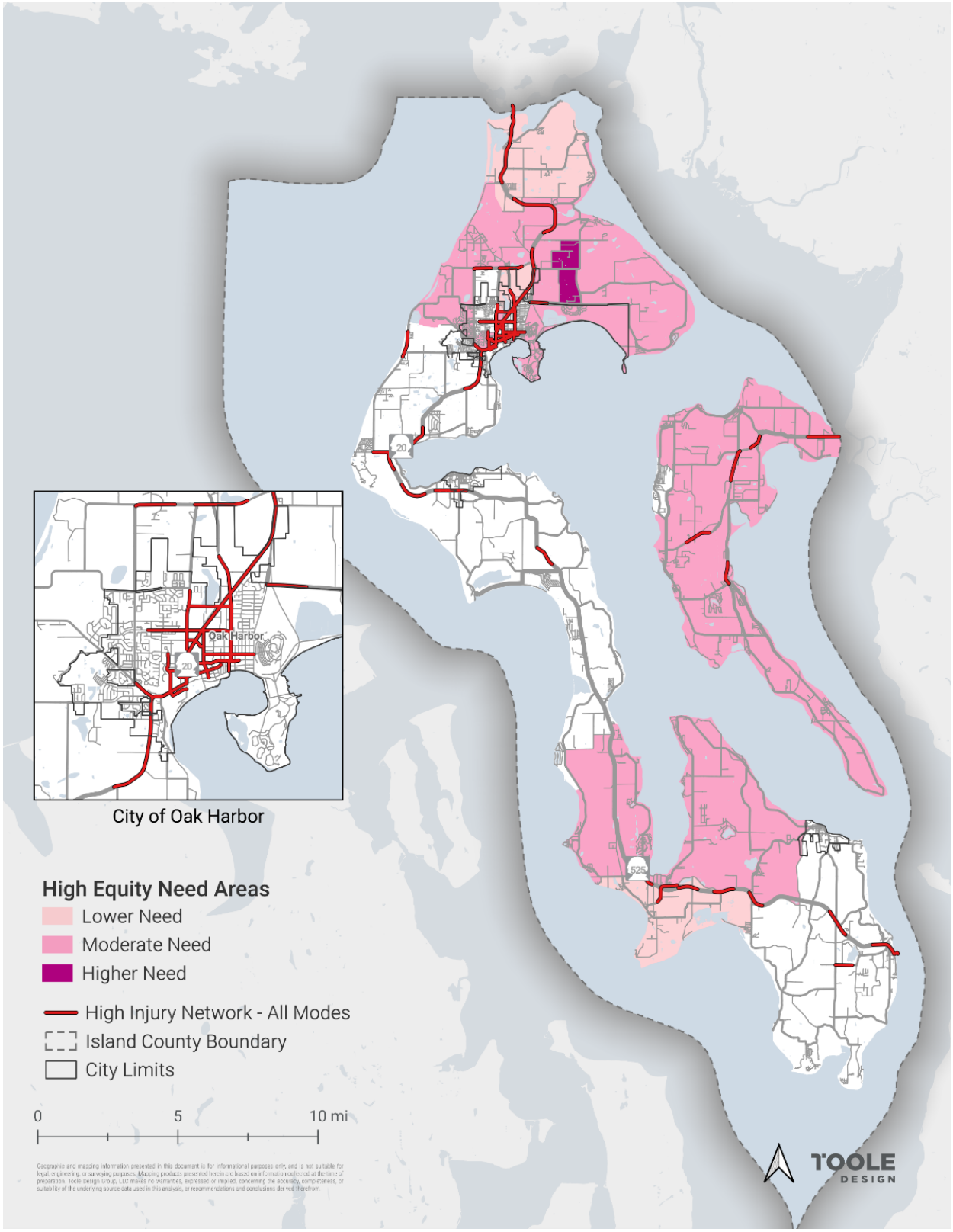
## Equitable Distribution of Safety Investments

The equity analyses are a component of the Comprehensive Safety Action Plan. Their purpose is to influence the decision-making related to the results of this project. Traffic violence (and other negative outcomes of the transportation system) has disproportionate impacts on BIPOC, low-income households, and other communities that have been marginalized. Focusing safety interventions and improvements to serve these communities advances equity.

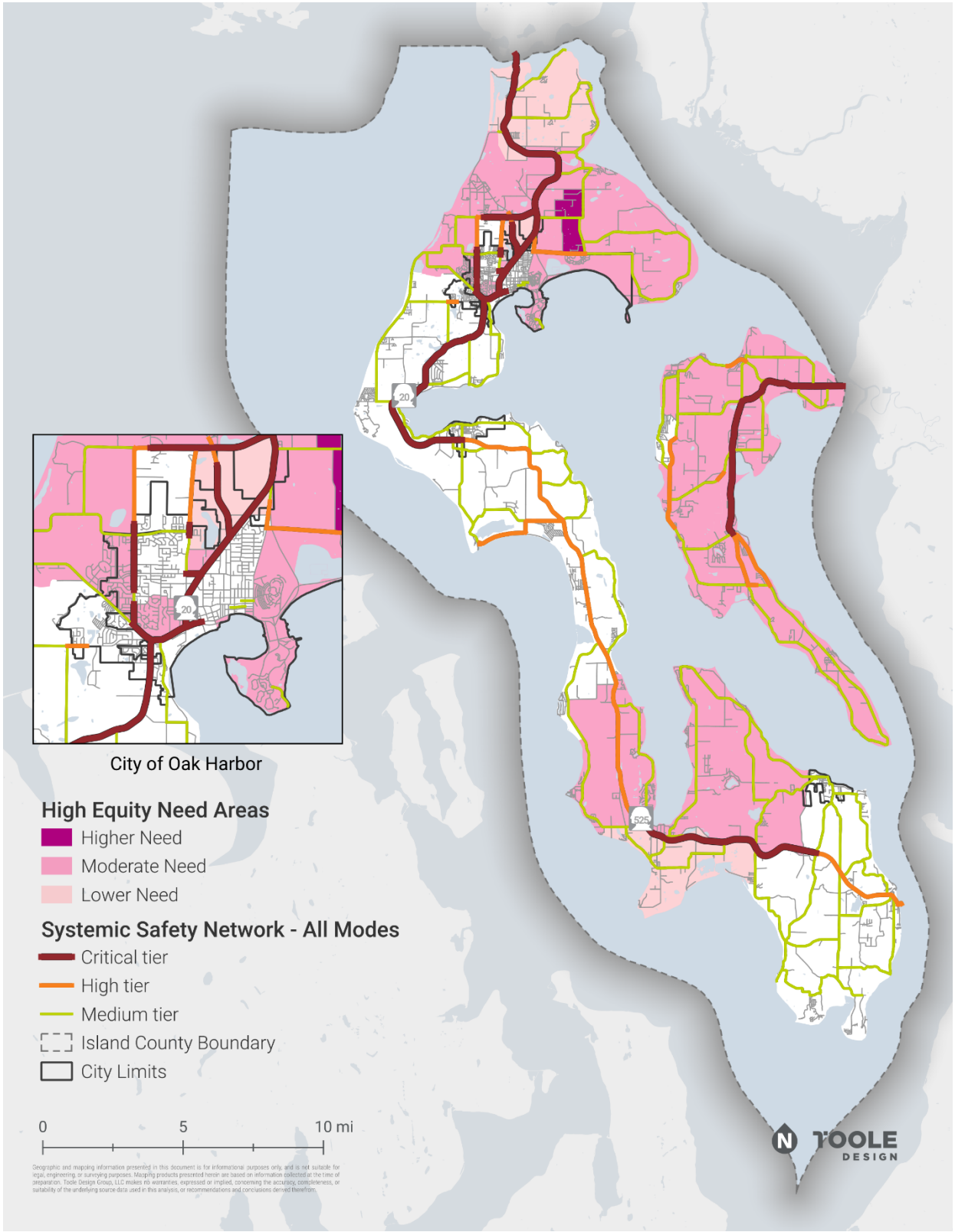
Safety impacts and risks were evaluated through Task 2.2 of this project. The high injury network (HIN) depicts segments of the roadway network with the highest densities of severe crashes. The systemic safety network (SSN) identifies segments of roadway with attributes that have been found to correlate with high crash frequency. Both safety analyses were conducted for all modes together, and for pedestrians, bicycles, motorcycles, motor vehicles individually. The results were then overlaid onto the high equity need areas. Map 6 shows the HIN of Island County for all modes. Map 7 shows the SSN for all modes. Maps depicting the HIN and SSN for each individual mode overlaid with high need equity areas are in Appendix D.

Segments of the HIN, and SSN segments that are located in high equity need areas may be prioritized for investment. Engagement efforts might focus on communities that have a larger portion of HIN/SSN roadways as well as higher equity scores. The results of each analysis, especially where they overlap geographically, can be used to understand where projects can be prioritized and implemented to achieve safe and equitable outcomes.

**Map 6: High Injury Network overlaid with high equity need areas**



**Map 7: Systemic Safety Network overlaid with high equity need areas**



# ADVANCING EQUITY

As stated before, an equity analysis is only one element to advance transportation equity. The crucial factor lies in how the equity analysis insights are used, transforming it from a mapping exercise to an effective tool. In addition to the equitable distribution of safety investments, the information from this analysis can be used in storytelling at the regional and local levels, as well as for monitoring how outcomes change over time.

## Storytelling

IRTPO allocates funding but is not an implementing agency. Additionally, many safety interventions must happen at the local level, while IRTPO has a regional focus. Still, IRTPO can influence equity outcomes through storytelling using the high-level issues and patterns identified in the regional analyses.

The regional mapping can be used by smaller towns and rural communities with fewer resources to conduct their own analyses. In this way, IRTPO can help these jurisdictions tell the story of their transportation needs and identify who is vulnerable to mobility limitations.

The story crafted by this analysis can and should be modified based on the results of regional engagement. An equity analysis groups people into broad demographic-based populations, but there are nuances in how people within a population experience the same impact. Furthermore, populations based on demographic data are different from communities that are considered a group based on shared experiences and interests. Demographic data also has geographic bounds (defined by the US Census) that may not align with neighborhood boundaries. As a result, equity analyses present rough estimations of communities and impacts they may experience. These broad analyses also will not capture individuals' lived experiences or how overlapping and intersecting identities compound mobility impacts.

To facilitate storytelling and examine more individualized outcomes, we can employ the concept of personas. Using the results of the equity and safety risk analyses and engagement, we can distill mobility challenges and contributing factors along with how an individual's identities interact with these challenges. We can use this to craft personalized examples of how individuals throughout the region experience the transportation system. These personas can help make disparate impacts more tangible and convey outcomes to local jurisdictions.

## Continued Assessment

As IRTPO evaluates its progress toward safety (and other) targets, it can also examine its progress toward addressing disparities. By assessing the distribution of impacts across high equity need areas and demographic groups over time, IRTPO can monitor the impact investment decisions are having. In this way, investments can be prioritized to address performance while targeting disproportionate impacts and underinvestment among marginalized communities.

## Access for People with Disabilities

The scope of this analysis does not include a robust evaluation of accessibility disparities. While the ETC Explorer and Sandy Williams High Equity Need Map include an indicator for people with disabilities, further exploring the impacts and contributing factors of transportation disadvantages resulting from disability will enrich the results and recommendations of the work. Although the focus of this project is safety, accessibility is inherently related; accessibility assumes safety and safe transportation is in service of accessibility to destinations.

Regardless of demographic factors that can limit one's mobility, such as age, ability, and income, expanding quality mobility options can remove some of the restrictions and enable more freedom of movement.

## Qualitative Data

The quantitative equity analysis provides only part of the puzzle. To understand transportation disparities, we need to understand the lived experience. The best data for this assessment is from community engagement. This data helps define transportation disadvantages, identify areas of safety risk, highlight barriers to access and mobility, and establish the existing conditions and context.

## RECOMMENDATIONS AND NEXT STEPS

This analysis used four publicly available online tools published by government agencies to identify areas of high equity need within IRTPO's jurisdiction (Island County). Maps 1-4 show where these communities are located. Then the HIN and SSN was overlayed onto the combined map of high equity need areas to see where safety concerns overlap with high equity need. Segments of the HIN and SSN located in areas with a high equity need should be the focus of safety improvements.

Beyond the Comprehensive Safety Action Plan, IRTPO can continue to integrate equity analysis into its decision-making by using this analysis to assess potential outcomes and influence which projects are selected and prioritized. This lays the foundation for a more systemic equity framework that uses equity to make decisions throughout the agency.

Additionally, iterating on an equity analysis can finetune the process over time by adjusting demographic factors and indicators as needed to focus on various relevant impacts. Repeating the analysis at regular intervals can also help evaluate outcomes over time to monitor improvement and direct ongoing efforts toward equity.

Finally, it is important to remember that inequities are a result of past discrimination, disinvestment, and disenfranchisement. Understanding the history of Whidbey Island and Camano Island relative to racialized communities and other key communities can highlight what harms should be redressed. These may not be limited to transportation although they will affect one's mobility. Advancing equity is a continual process; the equity analysis is one step in a multidisciplinary, multi-sectoral endeavor.

# APPENDIX A
## Climate and Economic Justice Screening Tool (CEJST)

The tool aggregates data sourced from a variety of Federal agencies into indicators of burden. The indicators are grouped into eight categories: climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development. Each category of burden consists of several indicators which are assigned a percentile threshold. The underlying data for each indicator is sourced from a variety of Federal agencies like the Environmental Protection Agency, Department of Transportation, US Census, among many others. A community is considered disadvantaged if it is in a census tract that (1) meets the thresholds for at least one of the tool's categories of burden, and (2) is at or above the threshold for an associated socioeconomic burden.[10] The tool utilizes the census tract boundaries from 2010 because many of the data sources in the tool use the 2010 census boundaries.

**Table 1: List of indicators included in the CEJST**

| Category of burden | Threshold | Indicator |
|---|---|---|
| | **Communities are identified as disadvantaged if they are in census tracts that…** | |
| *1. Transportation* | ARE at or above the 90th percentile for: | diesel particulate matter exposure, OR<br>transportation barriers, OR<br>traffic proximity and volume, |
| | AND ARE at or above the 65th percentile for: | low income |
| *2. Climate Change* | ARE at or above the 90th percentile for: | expected agriculture loss rate, OR<br>expected building loss rate, OR<br>expected population loss rate, OR<br>projected wildfire risk |
| | AND ARE at or above the 65th percentile for: | low income |
| *3. Energy* | ARE at or above the 90th percentile for: | energy cost, OR<br>PM2.5 in the air, |
| | AND ARE at or above the 65th percentile for: | low income |
| *4. Health* | ARE at or above the 90th percentile for: | asthma, OR<br>diabetes, OR<br>heart disease, OR<br>low life expectancy, |
| | AND ARE at or above the 65th percentile for: | low income |
| *5. Housing* | experienced: | historic disinvestment, |
| | OR ARE at or above the 90th percentile of: | housing cost, OR |

[10] Methodology and definitions are described further on the CEJST's website https://screeningtool.geoplatform.gov/en/methodology

| Category of burden | Threshold | Indicator |
|---|---|---|
| | | lack of green space, OR<br>lack of indoor plumbing, OR<br>lead paint, |
| | AND ARE at or above the 65th percentile for: | low income |
| *6. Legacy pollution* | have at least one: | abandoned mine land, OR<br>Formerly Used Defense Sites, |
| | OR ARE at or above the 90th percentile for: | proximity to hazardous waste facilities, OR<br>proximity to Superfund sites, OR<br>proximity to Risk Management Plan facilities, |
| | AND ARE at or above the 65th percentile for: | low income |
| *7. Water and wastewater* | ARE at or above the 90th percentile for: | underground storage tanks and releases, OR<br>wastewater discharge, |
| | AND ARE at or above the 65th percentile for: | low income |
| *8. Workforce development* | ARE at or above the 90th percentile for: | linguistic isolation, OR<br>low median income, OR<br>poverty, OR<br>unemployment, |
| | AND more than 10% of people ages 25 years or older whose high school education is less than a high school diploma. | |

# APPENDIX B
# USDOT Equitable Transportation Community (ETC) Explorer

The ETC Explorer assigns every census tract a score for each of the five components of transportation disadvantage.[11] It normalizes and sums each of the five scores to arrive at an Overall Disadvantage Component Score. The value of the score is based on a percentile ranking against all other census tracts in the nation. A census tract is considered disadvantaged if it is in the 65th percentile or higher.

**Map 2** in the main body of this memo shows census tracts in Island County by Overall score and Transportation Insecurity score.

**Table 2: List of indicators in the ETC Explorer**

| Component | Indicator |
|---|---|
| 1. Transportation Insecurity | Percent of households with no car |
| | Average commute time to work |
| | Frequency of Transit Services per Sq Mi |
| | Jobs within a 45-min Drive |
| | Estimated Average Drive Time to Points of Interest (min) |
| | Estimated Average Walk Time to Points of Interest (min) |
| | Calculated average annual cost of Transportation as percent of household income |
| | Traffic Fatalities per 100,000 people |
| 2. Environmental Burden | Ozone level in the air |
| | Particulate Matter 2.5 (PM2.5) level in the air |
| | Diesel particulate matter level in air |
| | Air toxics cancer risk |
| | Percent of tract within 1 mile of known hazardous sites |
| | Percent of tract within 1 mile of known Toxics Release sites |
| | Percent of tract within 1 mile of known Treatment and Disposal Facilities |
| | Percent of tract within 1 mile of known Risk Management Plan Sites |
| | Percent of tract within 1 mile of non-abandoned Coal Mines |
| | Percent of tract within 1 mile of non-abandoned Lead Mines |
| | Percent of houses built before 1980 |
| | Percent of tract within 1 mile of high volume roads |
| | Percent of tract within 1 mile of railways |
| | Percent of tract within 5 miles of airports |

[11] USDOT ETC Explorer Technical Documentation (May 2023) https://www.transportation.gov/sites/dot.gov/files/2023-05/5.2.23ETC%20Explorer%20Technical%20DocumentationFinal.pdf

| Component | Indicator |
|---|---|
| | Percent of tract within 3 miles of ports |
| | Percent of tract that intersects with a Watershed containing impaired water(s) |
| 3. Health Vulnerability | Asthma prevalence |
| | Cancer prevalence |
| | High blood pressure prevalence |
| | Diabetes prevalence |
| | Poor mental health prevalence |
| 4. Social Vulnerability | Percent of population with Income below 200% of poverty level |
| | Percent of people age 25+ with less than a high school diploma |
| | Percent of people age 16+ unemployed |
| | Percent of total housing units that are renter-occupied |
| | Percent of occupied houses that spend 30% or more of their income on housing with less than 75k income |
| | Percent of population uninsured |
| | Percent of households with no internet subscription |
| | GINI Index |
| | Percent of population 65 years or older |
| | Percent of population 17 years or younger |
| | Percent of population with a disability |
| | Percent of population (age 5+) with limited English proficiency |
| | Percent of total housing units that are mobile homes |
| 5. Climate & Disaster Risk Burden | Estimated annualized loss due to disasters |
| | Increase in number of days over 90deg by mid-century |
| | Number of days exceeding 99th percentile of precip by mid-century |
| | Percent change in number of days with less than 0.01 inches of precip |
| | Percent of tract inundated by 0.5 sea level increase by 2100 |
| | Average Percent Land classified as Impervious Surface per Tract |

# APPENDIX C
## Sandy Williams High Equity Needs Map

This analysis scores census block groups in Washington based on their degree of equity and environmental justice needs for the purpose of identifying and prioritizing investment locations for the Sandy Williams Connecting Communities Program. Each block group receives a score based on several factors related to vulnerable populations and environmentally burdened communities. These scores are added together to create the final score. Original data sources are the U.S. Census 2016-2020 American Community Survey (ACS) and the Washington Environmental Health Disparities (EHD) Map.

Individual scores are calculated for each measure, which then sum up to aggregate scores for vulnerable populations and overburdened communities as well as a combined final score. Block Group scores based on demographic measures from the ACS data are calculated relative to other Block Groups in similarly sized population centers or in tribal areas. If a Block Group's value for a given demographic measure is at or above the 80th percentile within its population center size category, it is given 2 points for that factor. If its value is at or above the 60th percentile within its population center size category, it is given 1 point. All other Block Groups receive 0 points for that factor.[12]

Factors used to determine equity needs include:

- Transportation: those with high transportation costs and no access to a vehicle
- Health: residents with few healthy food choices and disproportionate health outcomes
- Economics: those living on low incomes
- Family and Community: Youth and Seniors; Black, Indigenous, and People of Color (BIPOC) Communities; those with limited English skills; people with disabilities
- Environmental Justice: communities with disproportionate exposure to pollutants, diesel pollution, and industrial contaminants

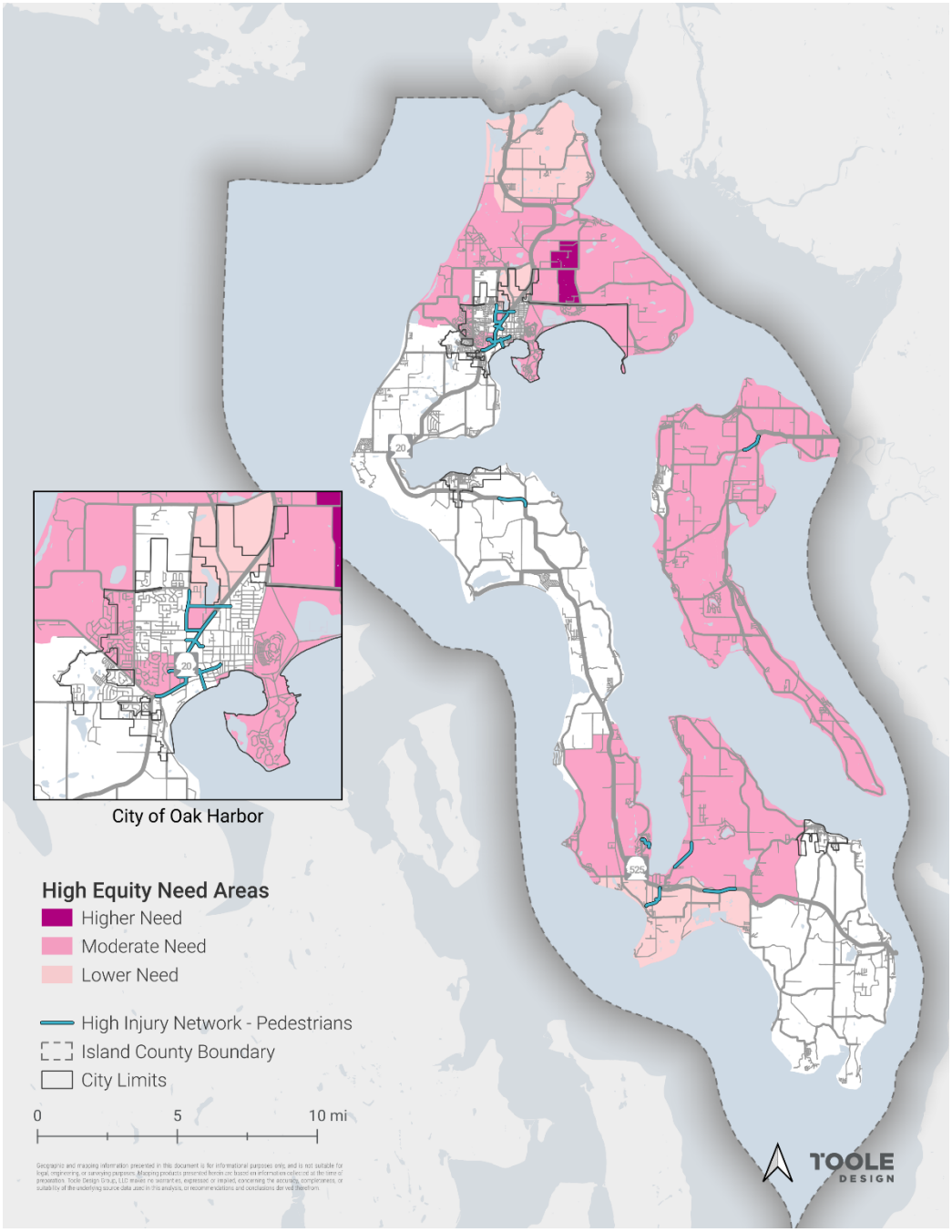
[12] Full map and underling data is available at WSDOT's ArcGIS Online portal https://gisdata-wsdot.opendata.arcgis.com/datasets/wsdot-active-transportation-sandy-williams-equity-needs/about

# APPENDIX D
# Safety Analyses by Mode

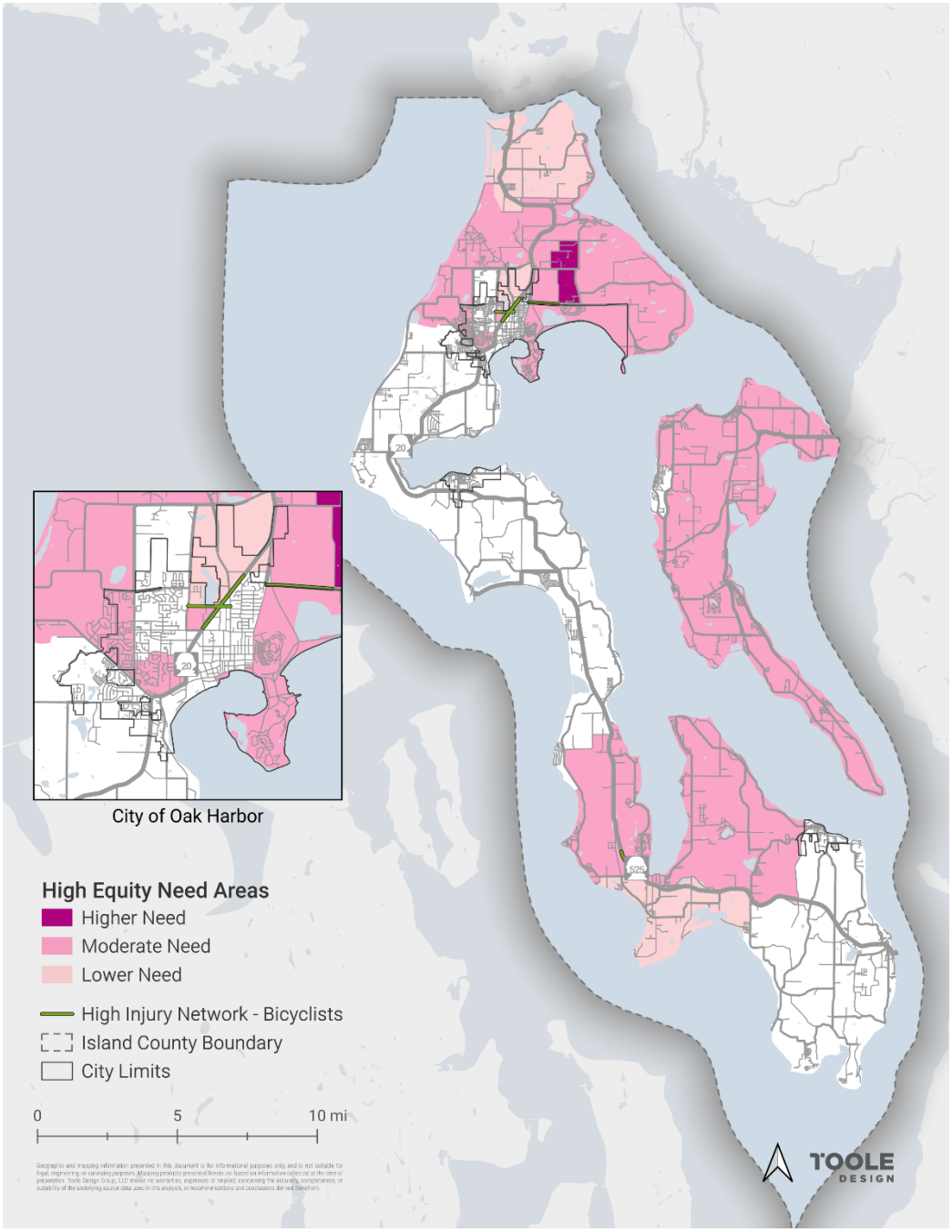
Maps for both the high injury network and the systemic safety network for each individual mode: pedestrians, bicycles, motorcycle, motor vehicles are overlaid onto the equity analysis.

## High Injury Network

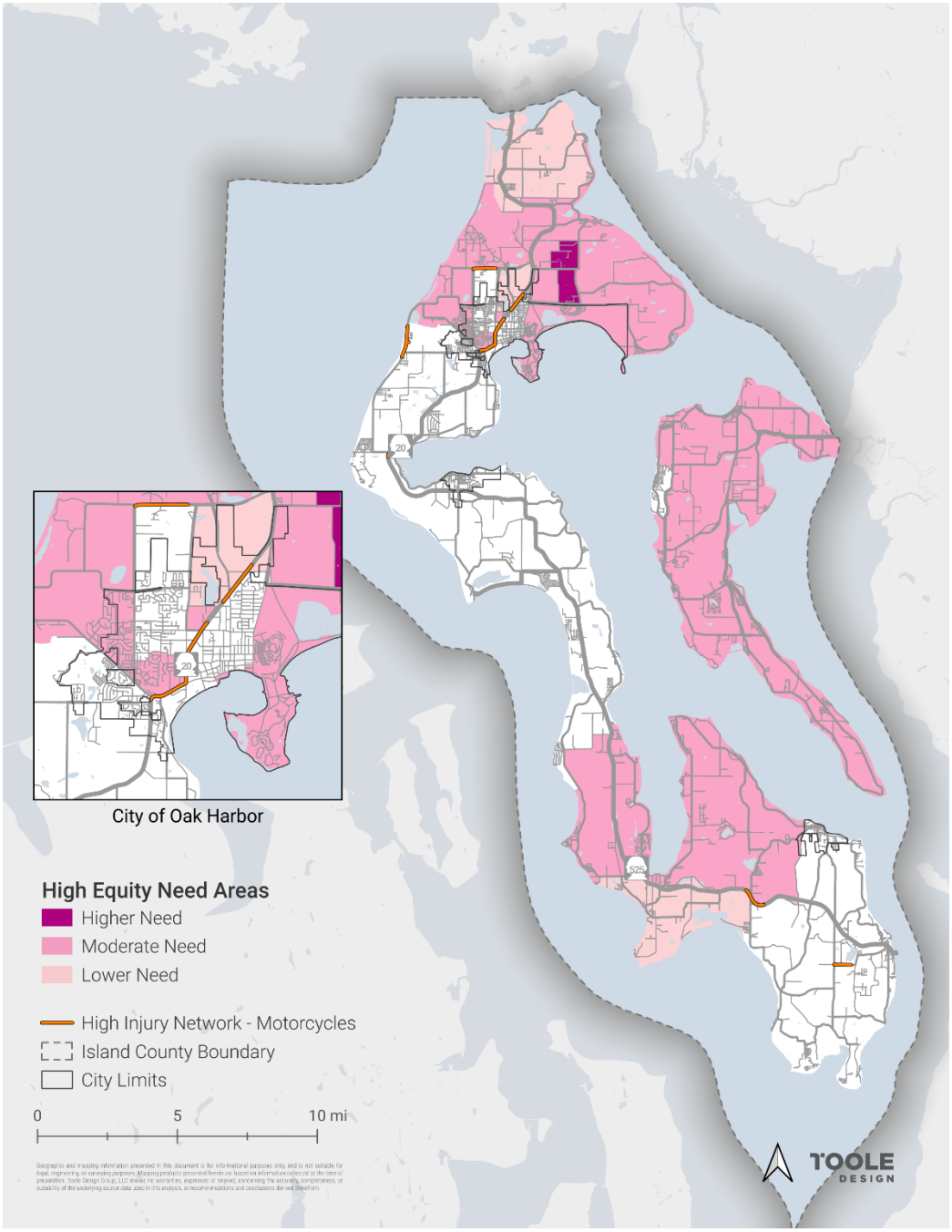
**Map 8: Pedestrian High Injury Netowrk**



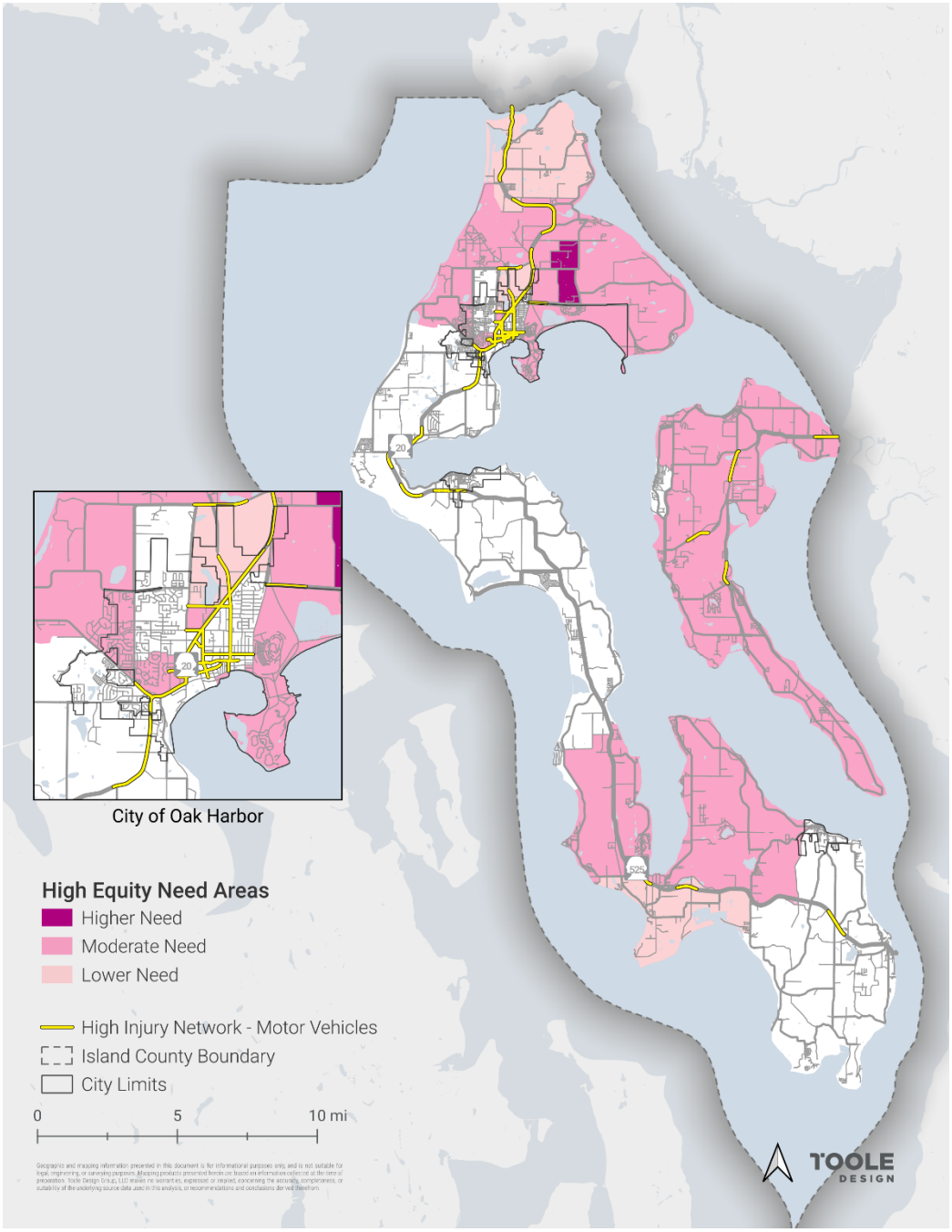
**Map 9: Bicycle High Injury Network**



**Map 10: Motorcycle High Injury Network**

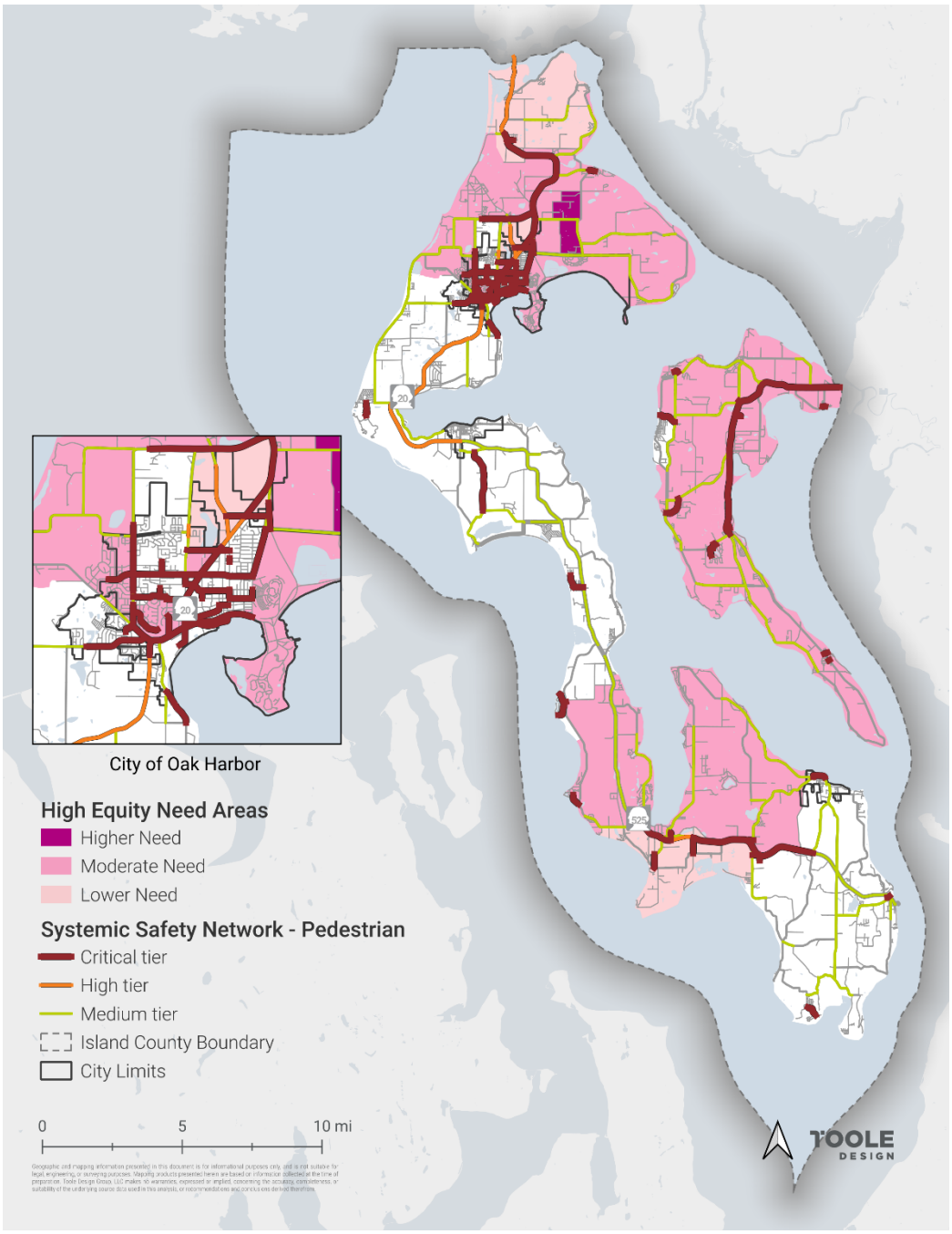


**Map 11: Motor vehicle High Injury Network**

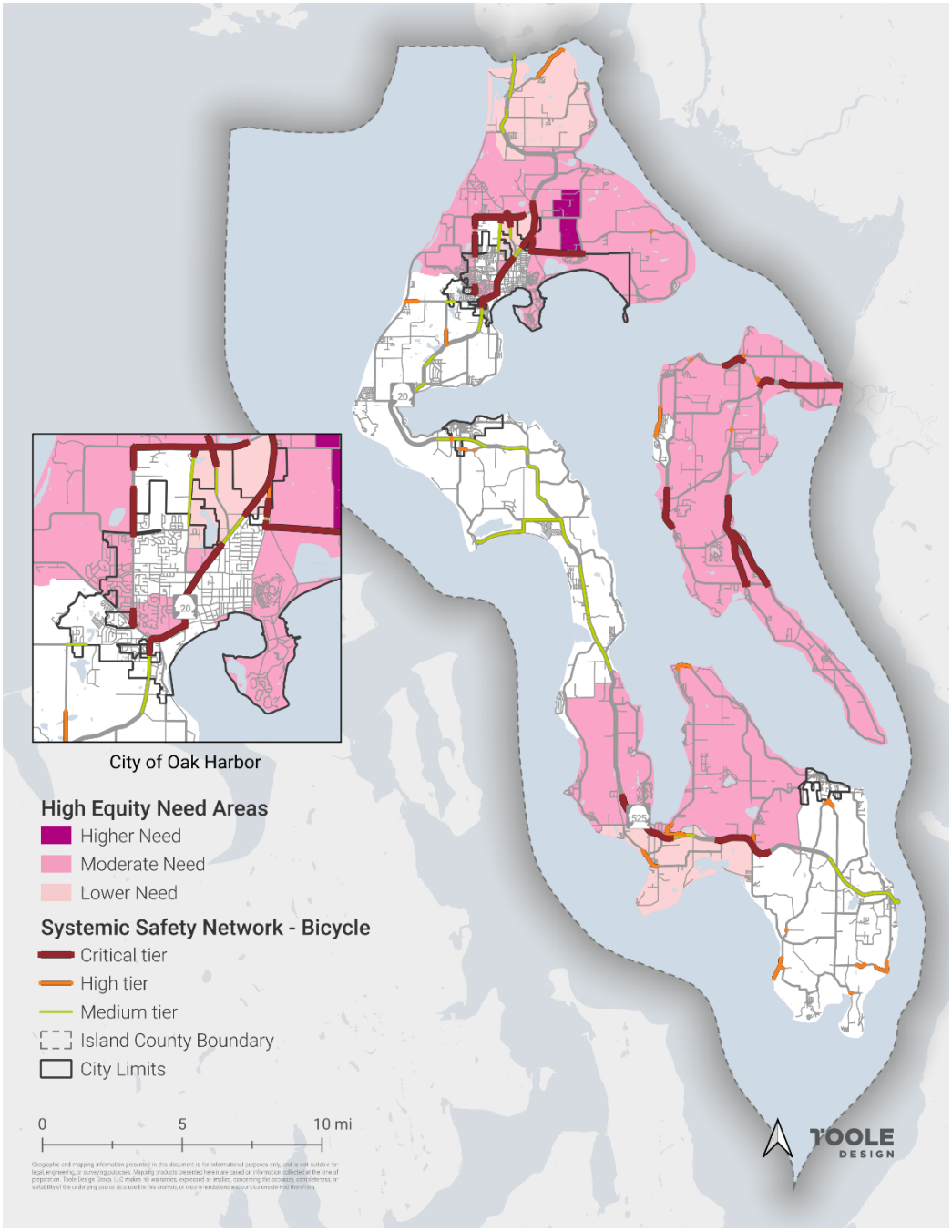


## Systemic Safety Network

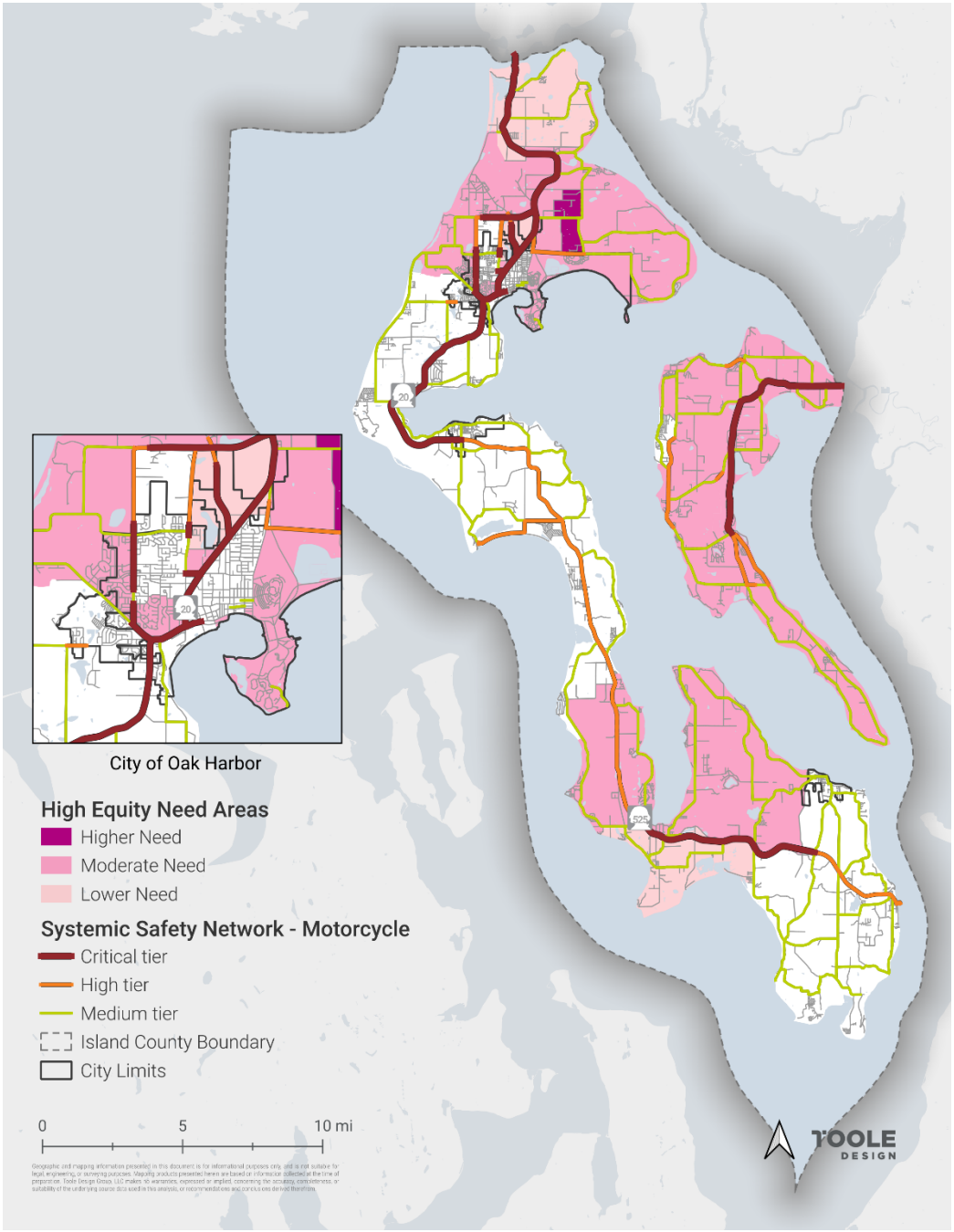
**Map 12: Pedestrian Systemic Safety Network**



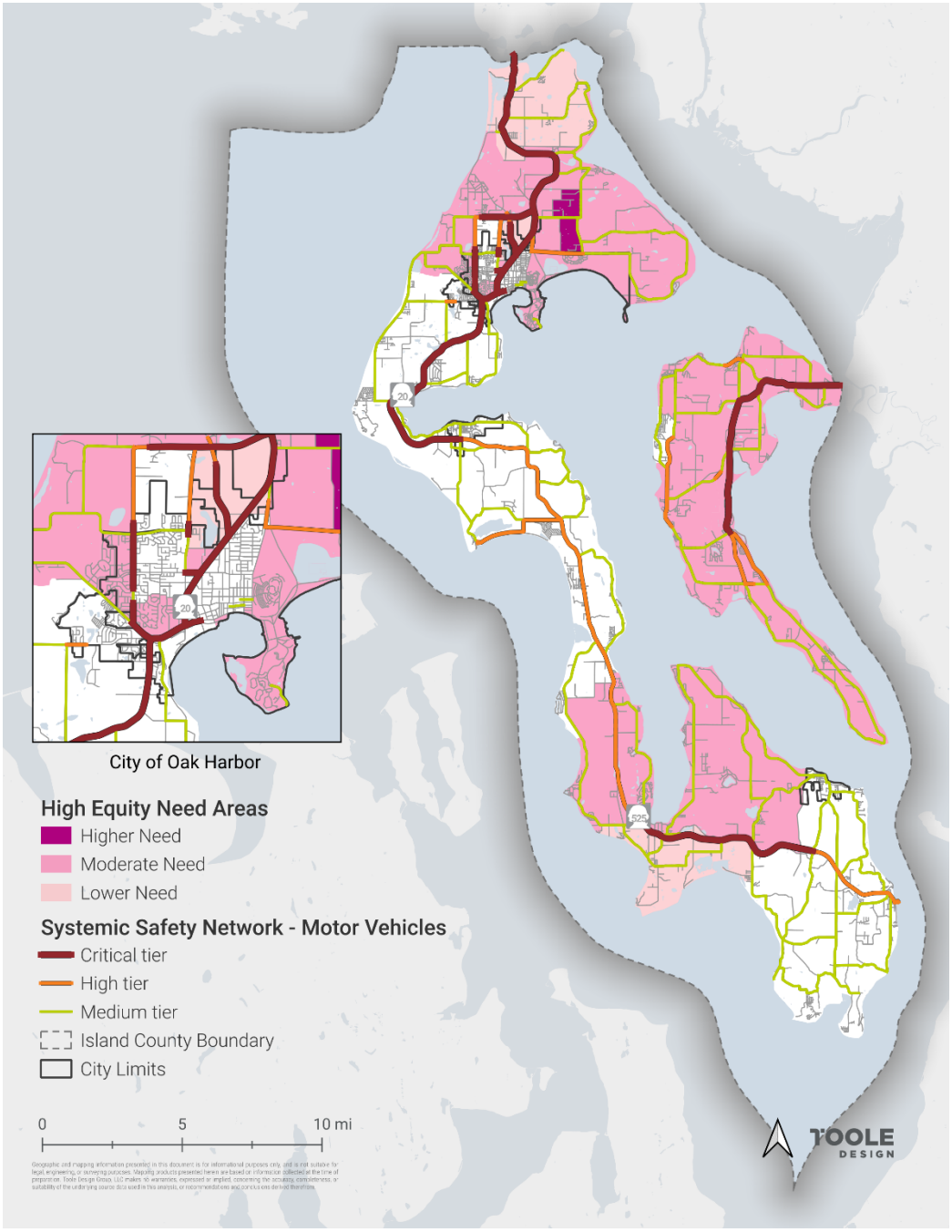
**Map 13: Bicycle Systemic Safety Network**



**Map 14: Motorcycle Systemic Safety Network**



**Map 15: Motor Vehicle Systemic Safety Network**



APPENDIX F

ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION

# COMPREHENSIVE SAFETY ACTION PLAN

# ISLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION TRANSPORTATION SAFETY POLICY REVIEW

DATE: August 12, 2024

TO: Island Regional Transportation Planning Organization

FROM: DKS Associates

SUBJECT: Task 4.1: Policy Review and Recommended Updates Project #24217-000-004

## INTRODUCTION AND BACKGROUND

Island Regional Transportation Planning Organization is developing a Vision Zero Action Plan which will lead to actionable safety programs and projects, helping the County and partner agencies work toward eliminating fatalities and serious injuries on its roadway network.

The Safe Streets and Roads for All (SS4A) program requires an assessment of the region's existing policies, plans, guidelines, and standards to identify opportunities to improve how these processes can impact safety. This policy analysis memorandum has identified relevant policies and programs in Island County, along with other relevant policies at the municipal level.

The findings and recommendations from this memo will be incorporated into the IRTPO Vision Zero Action Plan via an implementation plan to adopt or revise policies, guidelines, standards, programs, and procedures related to roadway safety.

## TYPES OF POLICIES REVIEWED

The purpose of this document is to catalog and assess how current policies, plans, and guidelines prioritize roadway safety and potential opportunities for improvement. The project team has summarized the following documents and identified other plans to be considered in the future to help improve safety.

The consultant, DKS Associates, assessed current policies, plans, guidelines, and standards to identify opportunities to improve how agency processes prioritize transportation. **Table 1** highlights the current status of the existing plans related to roadway safety for each jurisdiction. The types of plans that are currently in place are:

**Comprehensive Plans:**

A comprehensive plan is a long-term guiding document for the future growth and development of a city or county. It outlines the community's vision for the future and establishes goals, policies, and objectives to guide decisions on land use, housing, transportation, economic development, environmental protection, and other key aspects of the built environment.

**Local Road Safety Plans:**
A local road safety plan identifies, analyzes, and prioritizes safety improvements on local roadways. These plans focus on issues that are specific to the jurisdiction and allow for a more tailored approach to taking safety actions.

**Municipal Code/Design Guidelines:**
Municipal code and design guidelines are regulatory tools used to shape the built environment and ensure that development aligns with a community's vision for its future.

**Active Transportation Plans (ATP):**
An ATP is a blueprint for a community's active transportation future. It's a strategic document that lays out a vision, goals, and a detailed roadmap for creating a network of safe, accessible, and enjoyable walking, biking, rolling, and micro mobility infrastructure.

**Table 1** illustrates which jurisdictions have documents dedicated to the following transportation and planning elements: a comprehensive plan, a local road safety plan, municipal code/design guidelines, and an active transportation plan.

**TABLE 1. INVENTORY SUMMARY OF RELEVANT POLICIES AND PLANS THAT INCLUDE SAFETY**

| Jurisdiction | Has policies related to safety in Comprehensive Plan | Has a Local Road Safety Plan | Has Municipal Code/Design Guidelines that include a safety component | Has an Active Transportation Plan |
|---|---|---|---|---|
| Island County | ✓ | ✓ | ✓ | |
| Coupeville | ✓ | | ✓ | |
| Langley | ✓ | | ✓ | |
| Oak Harbor | ✓ | | ✓ | ✓ |

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## EXISTING POLICIES AND PLANS

| | DOCUMENT NAME | STATUS |
|---|---|---|
| **IRTPO** | | |
| 1 | Regional Transportation Plan | Adopted 2019 |
| 2 | IRTPO Unified Planning Work Program | Adopted 2023 |
| **ISLAND COUNTY** | | |
| 3 | Comprehensive Plan | Completed 2016, update scheduled for 2025 |
| 4 | Local Road Safety Plan | Completed March 2023 |
| 5 | Design Guidelines/Speed Limit Policy | 2024 Version |
| 6 | Non Motorized Trails Plan | Completed 2018 |
| **COUPEVILLE** | | |
| 7 | Comprehensive Plan | Completed 2023 |
| 8 | Code of Ordinances | 2023 Version |
| **LANGLEY** | | |
| 9 | Comprehensive Plan | Completed 2018, amended in 2020, update scheduled for 2025 |
| 10 | Municipal Code/Complete Streets/Speed Limit Policy | 2022 Version |
| **OAK HARBOR** | | |
| 11 | Comprehensive Plan | Completed 2022 |
| 12 | Capital Improvements Plan | Completed 2022 |
| 13 | Active Transportation Plan | Completed 2024 |
| 14 | Street Design Standards | 2023 Version |
| 15 | Parks, Recreation, and Open Space Plan | Completed 2019 |
| 16 | Impact Fee Ordinance | Completed 2022 |

## IRTPO

### 1. IRTPO REGIONAL TRANSPORTATION PLAN (ISLAND ACCESS 2040)

**Source:**

Island County Washington Website (IRTPO Page):

https://www.islandcountywa.gov/DocumentCenter/View/3447/2019-Regional-Transportation-Plan-pdf

**Status: (Adopted)**

Adopted 2019

**Description:**

"Island Access 2040 is the regional transportation plan (RTP) for the Island Region. It works in concert with local and state plans, each of which has a role to play in keeping people, goods, and services moving." (Page 1 of the RTP)

"The role of the regional transportation plan is to ensure on-going coordination and collaboration among all of the local and state agencies working to provide safe, efficient, reliable travel throughout the region. This regional coordination enables Coupeville, Langley, Oak Harbor, Island County, Island Transit, the Washington State Department of Transportation (WSDOT), Naval Air Station Whidbey Island (NASWI), and many other partners internal and external to the region to make day-to-day decisions and investments that meet their own needs, but which also work together over time to accomplish mutual goals, address system needs across the region, and support convenient travel for all. The forum for that on-going regional coordination is Island Regional Transportation Planning Organization, or IRTPO. Island Access 2040 is a product of IRTPO's regional transportation planning program." (Page 1)

The RTP acts as a facilitator between state and local agencies, allowing each agency to make decisions that are in line with their own comprehensive plans and contribute to mutual goals across the region. IRTPO is an organization whose purpose is to coordinate between agencies and the Island Access 2040 document is part of its work.

**How does this document prioritize safety?**

The document does not arrange its material into goals, but it does have a focus on safety and includes safety within each recommendation and also as one of its measures of success.

Included throughout the document are goals and objectives related to safety:

- Safe Multimodal Mobility section: "Creating a safe environment for all travelers requires a combination of strategies that minimize conflicts between modes of travel." (Page 26)
- Recommended Actions section:
    - Complete a Regional Multimodal Safety Plan
- System Safety section

**What are the potential improvements that could be made to this document to help prioritize safety?**

- Separate Chapter dedicated to roadway safety which includes the following subchapters:
  - Link to Island County Crash Statistics Dashboard
  - Crash statistics, trends, rates, and metrics
  - Establish commitment goal based on the IRTPO safety goal
  - Summary of high crash locations
  - Summary of projects enhancing safety (recommended, funded, under construction)
  - Tracking safety metrics at locations where projects have been constructed

## 2. IRTPO UNIFIED PLANNING WORK PROGRAM (2024-2025)

**Source:**

Island County Washington Website (IRTPO web page):

https://www.islandcountywa.gov/DocumentCenter/View/3563/2024--2025-Unified-Planning-Work-Plan-pdf

**Status: (Adopted)**

Adopted 2023

**Description:**

"The purpose of RTPOs is to coordinate transportation planning among regional jurisdictions and develop a regional transportation plan aimed at solving transportation issues of mutual interest and concern." (Page 2 of the Work Program)

The Work Program is the guiding document which lays out the responsibilities of the IRTPO and the work that it intends to accomplish during its term (2024-2025).

**How does this document prioritize safety?**

Element 2: Multimodal Planning:

- Work Activity 7: Manage the Safe Streets for All grant for the region.
- Work Products 6: Safe Streets for All Action Plan

**What are the potential improvements that could be made to this document to help prioritize safety?**

Expand data collection and analysis program to include more safety-related items.

## ISLAND COUNTY

### 3. ISLAND COUNTY COMPREHENSIVE PLAN (2016-2036)

**Source:**

Island County Washington Website:

https://www.islandcountywa.gov/DocumentCenter/View/270/Full-Comprehensive-Plan-PDF?bidId=

**Status: (Completed)**

2016 Comprehensive Plan is complete; however, a new plan is intended to be completed in 2025.

**Description:**

"The Island County Comprehensive Plan is the document that provides the broad policy basis for Island County's land use planning program and sets the framework to guide land use decisions within the county. The Plan identifies ways that the County's land use planning efforts will implement state and regional requirements, including the Growth Management Act (GMA) and administrative codes. Equally important, the Plan acts to coordinate actions with local jurisdictions, service providers, and state and federal agencies that may have a stake in Island County's land use policies and implementing regulations and actions. In addition to its legislative and coordination roles, the Island County Comprehensive Plan also reflects community values and aspirations about the County's future. The Plan aims to organize County actions and programs that define relationships between land use goals and policies and community livability, economic vitality, provision of needed public facilities, and environmental stewardship." (page 5 of Island County 2036)

**How does this document prioritize safety?**

Vision Statement:

- I.III.I A. Open Space: When traveling through Island County one will see forests, farmlands with crops and livestock, and open space that provides for varied wildlife and flora as well as hiking and biking trails, beach access, and other open spaces for recreation.
- I.III.I B. Transportation: A safe transportation system will continue to be improved to first meet the needs of county residents as well as visitors and tourists. Two-lane roads that offer views of forests, farms, fields, snow-capped mountains, and water characterize the transportation system in the rural area.

Transportation Element:

- The Transportation Element also discusses roadway mobility and accessibility needs, identifies improvements necessary to enhance safety, bicycle and pedestrian travel, and public transit.
- Goal 1: Provide a safe, comfortable and reliable transportation system that provides adequate mobility for people, goods and services;
    - 1.2: Implement measures to reduce the number and severity of collisions;

**What are the potential improvements that could be made to this document to help prioritize safety?**

Add multimodal level of service (MMLOS) standards for non-motorized modes of transportation. Incorporate Vision Zero into the plan and into decision-making processes.

## 4. ISLAND COUNTY LOCAL ROAD SAFETY PLAN

**Source:**

Word document provided by the client

**Status: (Completed)**

Completed March 2023

**Description:**

"This plan is intended to be a data driven strategy, identifying prioritized projects and solutions. Proposed projects selected should focus on reducing or eliminating crash trends and their contributing critical high-risk factors…. [This Plan] identifies selected risk factors present in fatal and serious injury collisions for Island County and compares them with the data of the surrounding west coast counties. This data was used to assist with selecting the three (3) proposed traffic safety improvement projects." (Page 2 of Island County Road Safety Plan)

**How does this document prioritize safety?**

Projects identified:

- Project 1: Non-standard Guardrail Replacement – Camano Island
    - Collision Type: Fixed Object
    - Requested funding: $890,000
    - Description: "Island County has guardrail in two (2) locations that has become non-standard over time. In some cases, the materials or installation method are out of date. In others, roadway resurfacing has resulted in a higher pavement profile, and the height of the rail is no longer compliant; these installations have already fully utilized the designed height adjustment allocation. Project 1 proposes to address collision severity associated with collision type, Fixed Object." (Page 3)
- Project 2: Non-Compliant Regulatory and Warning Sign Replacement – County-wide
    - Collision Circumstance: Speed/Light Condition/Roadway Junction/Disregard of Traffic Signs or Signals
    - Requested funding: $417,000
    - Description: 'Per the 2009 Manual on Uniform Traffic Control Devices (MUTCD) "all signs shall be retroreflective or illuminated to show the same shape and similar color both day and night."' (Page 4)
- Project 3: Main Street and East Harbor Road Compact Roundabout – Freeland
    - Collision Type: Intersection Related
    - Requested funding: $940,000
    - Description: "The proposed Main Street and East Harbor Road Compact Roundabout will increase intersection safety by providing channelized, curved approaches

reducing vehicle speed, entry yield control that gives right-of way to circulating traffic, and counterclockwise flow around a central island that minimizes conflict points. These implementations can reduce serious injury and fatal collisions by up to 90%. The completion of this proposed project will provide decreased conflict points, upgraded pedestrian facilities, and improved levels of service. Intersection continuity is an added benefit with the recently funded Main Street and Harbor Road compact roundabout located approximately 700 ft to the east." (Page 5)

"Island County employs a variety of data collection and analysis when identifying and prioritizing safety improvements to our roadways. As part of the Island County Transportation Improvement Plan development, staff annually reviews all collision data for both intersections and road segments, calculates sight distance limitations, realignment needs, and recorded concerns among community members. In addition, criteria used to evaluate locations, such as Average Daily Traffic counts, is best updated concurrently. These processes provide the opportunity for safety improvements some of which include intersection improvements, shoulder widening, and road realignments; over $7 million dollars in local funds have been approved for safety improvement for the years 2023-2028.

The Island County 2023 Local Road Safety Plan shows how specific risk criteria and safety improvements are used to identify and prioritize roads with the greatest opportunity to mitigate risk and continue the goal to reduce collision rates." (Page 6)

**What are the potential improvements that could be made to this document to help prioritize safety?**

This document focuses on the three projects it identifies as opposed to broader policy changes to address road safety in general. While these projects are a critical part of a road safety plan, as well as part of WSDOT's 'Call for Projects', there should be a section dedicated to general strategies or policies that proactively address road safety in areas not addressed by the listed projects.

## 5. ISLAND COUNTY DESIGN GUIDELINES/SPEED LIMIT POLICY

**Source:**

Municode Library Website:

https://library.municode.com/wa/island_county/codes/code_of_ordinances

**Status: (Adopted)**

2024 Version

**Description:**

County Code of Ordinances

**How does this document prioritize safety?**

TITLE XII - ROADS AND BRIDGES

Chapter 12.01 - Road Construction Policy

12.01.010 - Justification for spending county road funds—Construction.

The following are considered the justifiable reasons for building roads:

A. To accommodate existing traffic;

B. To control and handle traffic for greater speed, service, convenience, and safety, directing traffic along specific routes;

…

12.01.040 - Fund allocation and distribution.

A.Between maintenance and construction. It will be the policy of the county to give maintenance first claim to road funds until the following are accomplished:

1.The county's investment is protected;

2.The safety of the motoring public is protected;

3.All traffic is permitted to move uninhibited, with as little discomfort, inconvenience, and cost as is consistent with good management.

When the foregoing three (3) items have been accomplished, all expenditures for maintenance will be kept to a minimum so that as much money as possible is available for permanent improvement. Normally, not over fifty (50) percent of the annual budget should be allowed for maintenance. Unusual conditions due to snowfall, floods, or unusual traffic concentrations may justify exceeding fifty (50) percent.

…

TITLE X - VEHICLES AND TRAFFIC

Chapter 10.01 - Speed Limits

10.01.010 - General speed limits.

The maximum speed upon all roads and highways in Island County shall be fifty (50) miles per hour except as provided to the contrary in this chapter.

(Ord., October 3, 1955, vol. 11, p. 117)

The maximum speed on all roads in recorded plats, excepting those for which a specific provision to the contrary is made in this Code, and excepting those roads designated as arterials pursuant to section 12.01.003.A., shall be twenty-five (25) miles per hour.

(Ord. E-72-7, October 16, 1972, vol. 14, p. 147)

10.01.020 - School zones.

The maximum speed in a school zone shall be twenty (20) miles per hour.

(Ord., October 3, 1955, vol. 11, p. 117)

…

Chapter 10.07 - Golf Cart Zones

10.07.010 - Intent.

This chapter is adopted to address incidental use of golf carts on the roadway of public roads as may be permitted by the Board of County Commissioners under RCW 46.08.175. Golf carts are not designed or manufactured to be used on public roads and Island County in no way advocates their operation on roads. The county, regulating such operations, is merely addressing safety issues. Adoption of this chapter is not to be relied upon as a determination that operation of golf carts on roads is safe or advisable even if done in accordance with this chapter. All persons who operate or ride in golf carts on roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. This chapter shall not be construed to create any special relationship between Island County and any person or class of persons, nor to protect any person or class of persons. Island County has no liability under any theory of law for permitting golf carts to be operated on roads under the provisions of this chapter.

Notwithstanding the foregoing, Island County, after considering the speed, volume and character of motor vehicle traffic using public roads, may review and approve the use of golf carts on public roads under the conditions and limitations hereinafter prescribed.

**What are the potential improvements that could be made to this document to help prioritize safety?**

There seems to be an over-focus on vehicular traffic and very little to no focus on pedestrians or any other non-motorized user safety. Sections dedicated to the safety of non-motorized users and the emphasis on their safety in motor vehicle sections are recommended.

## 6. ISLAND COUNTY NON-MOTORIZED TRAIL PLAN

**Source:**

Island County Website (Public Works Department, Parks and Trails Documents web page):

https://www.islandcountywa.gov/723/Parks-and-Trails-Documents

**Status: (Completed)**

Completed in 2018

**Description:**

"The 2018 Island County Non-Motorized Trails Plan provides a comprehensive framework for future investment in facilities that support all forms of non-motorized transportation and recreation in the County. The plan identifies specific projects and programs that can be considered by the Board of Island County Commissioners as opportunities become available.

The 2018 Non-Motorized Trails Plan addresses two different but related infrastructure systems. The first is the non-motorized trail network comprising on- and off-street routes and sites for such activities as walking, running, hiking, road and mountain bicycling, horseback riding. The second is the network of waterfront sites that provides public access to Island County's shoreline for activities such as walking, running, beach combing, picnicking, fishing and swimming, but also for those pursuing water-based activities, such as sea kayaking and stand-up paddleboarding. The waterfront sites provide important destinations within the overall non-motorized network that are

highly desirable to Island County residents and visitors, as well as access to miles of publicly owned tidelands and the waters of Puget Sound." (Page 7 of Island County Non-Motorized Trails Plan)

**How does this document prioritize safety?**

The document has the following goals on pages 10-11:

- Develop a comprehensive, high-quality nonmotorized transportation system in Island County
- Develop an expanded, high-quality recreational trails system in Island County
- Encourage public use and enjoyment of non-motorized transportation facilities and recreational trails
- Endeavor to allocate sufficient local resources, including staff support and funding, for implementing the recommendations of this plan over the next five to twenty years

This document separates its recommendations into 2 sections: On-Road Network and Off-Road Network:

"This section presents the recommended non-motorized network and projects developed through the planning process. These recommendations are conceptual in nature and require additional analysis to determine their ultimate feasibility. The recommended projects identified in the plan are not prioritized. Instead, the plan offers a menu of potential projects to be analyzed using a priority array methodology, similar to that currently used by the County for road projects. Non-motorized projects will be evaluated against each other in any given year and recommendations will be made to the Board of Island County Commissioners based on the outcome of that process." (Page 25)

The trail plan also acknowledges that most bike users are interested in biking but are concerned about their safety:

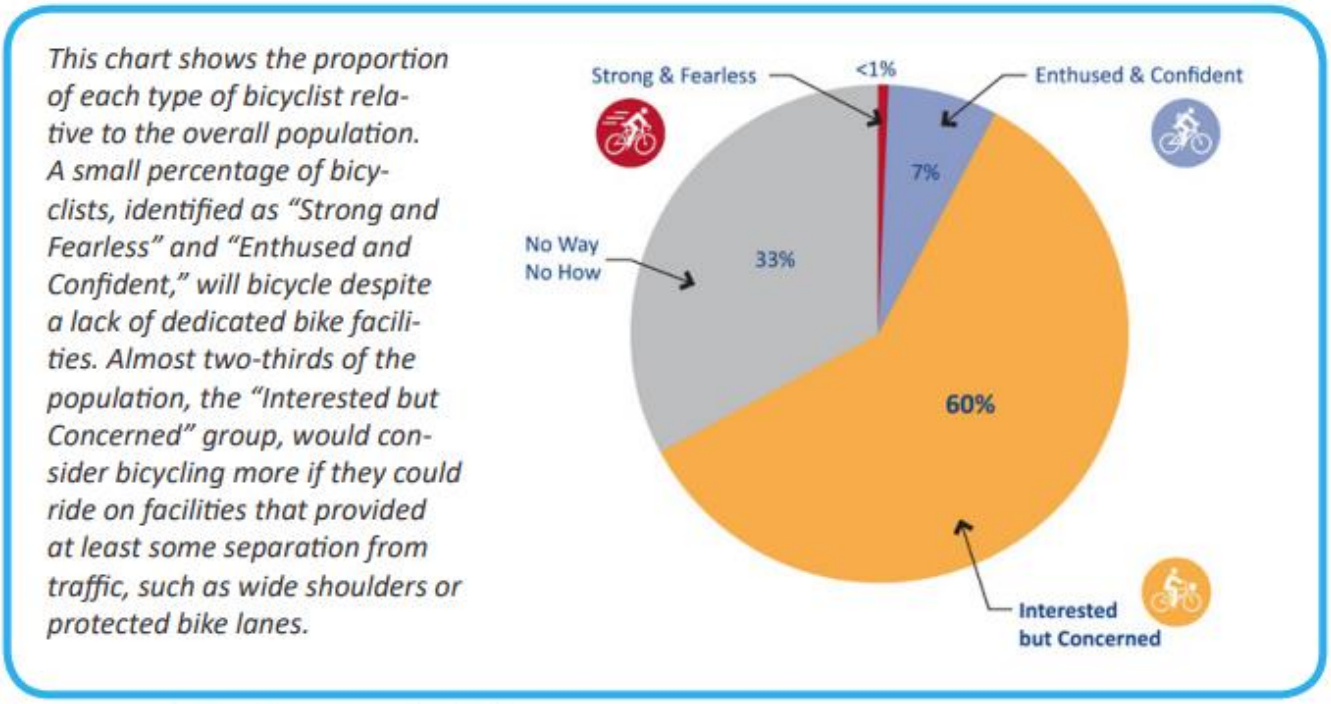



*Figure 5. Four Types of Transportation Cyclists*

(Page 25)

The document's "Reference Tools" section acknowledges the past challenges of prioritizing non-motorized users. It also has many examples of different types of road facilities, sidewalks, interaction types, etc. as well as the documents they are referencing to better server those users:

"Non-motorized transportation infrastructure in rural areas is often limited due to:

- Prior emphasis on motor vehicle-focused design standards
- High cost to develop facilities spanning long distances
- Lack of perceived demand
- Topological and/or environmental constraints

Island County faces many of these challenges. Utilization of the current toolbox of rural non-motorized facilities, both on-road and separated trails, can, over time, result in a safe, accessible, and comfortable multimodal network in the County.

The following section provides design guidance on non-motorized facilities that are suitable for rural road networks typical of Island County. This guidance is presented for consideration and potential integration into Island County Public Works' design standards. The design guidelines are conceptual and require further assessment when advanced to detailed design. These guidelines are consistent with current Federal Highway Administration (FHWA) guidance and recommendations, most notably the Small Town and Rural Design Multimodal Networks guide (FHWA, 2016). Other

relevant guidance for more urban contexts such as Freeland, Clinton, and parts of Camano Island can be found in the following guidelines:

- 2018 American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities." (Page 83)

In general, the prioritization of non-motorized vehicles generally means improving their safety. Increasing comfort and protection from motorized vehicles are seen as key, and the document lays out recommended projects, tools, and a plan for implementation.

**What are the potential improvements that could be made to this document to help prioritize safety?**

Information on trip lengths in Island County should be included in order to assess the share of trips that may easily switch modes from driving to walking or biking. The destinations of those trips would also help to inform the trail priority network.

## COUPEVILLE

### 7. TOWN OF COUPEVILLE COMPREHENSIVE PLAN (2023-2045)

**Source:**

City of Coupeville Website: https://townofcoupeville.org/comprehensive-plan-update/

**Status: (Completed)**

Completed in 2023

**Description:**

"This Comprehensive Plan guides the future growth, character, and development of the Town of Coupeville for the planning period 2024-2045. The purpose of a comprehensive plan is to bring together everything that a community needs to chart its course for the future." (Page 5 of the Comprehensive Plan)

This planning document provides the vision for the Town of Coupeville and guides future growth and development. In particular, the transportation element of the Comprehensive Plan provides a guide for making transportation decisions to address both short- and long-term needs.

**How does this document prioritize safety?**

Under the Comprehensive Plan, it outlines the following goals:

- Housing Element: H-1.6 C Provide safe and accessible connections between housing, commercial areas, and civic amenities through features like paved walkways, curb ramps, and traffic calming.
- Parks and Recreation: PR-5.1 Evaluate and upgrade existing parks, facilities, and programs to improve safety and accessibility for all users.

- Transportation Element: T-1.6 Evaluate the safety and efficiency of the transportation system across all modes on an ongoing basis so that it continues to adequately serve the Town's residents and businesses.
- T-4.1 Prioritize essential maintenance, preservation, and safety improvements of the existing transportation system.

**What are the potential improvements that could be made to this document to help prioritize safety?**

Add multimodal level of service (MMLOS) standards for transit and non-motorized modes of transportation in the next update. Incorporate Vision Zero into the plan and into decision-making processes.

## 8. TOWN OF COUPEVILLE CODE OF ORDINANCES

**Source:**

Municode Library Website (Coupeville, Washington web page):

https://library.municode.com/wa/coupeville/codes/code_of_ordinances?nodeId=TIT16DERE_CH16.12DEST

**Status: (Completed)**

2023 Version

**Description:**

"The purpose of this chapter is to establish general dimensional, design and use standards for development within the Town of Coupeville, thereby reflecting the intent of the Coupeville comprehensive plan. The comprehensive plan supports new development which is compatible with existing neighborhoods, promotes enhancement of unique neighborhood characteristics, and encourages community design standards that are in keeping with a small town atmosphere." (16.12.010 - Purpose)

**How does this document prioritize safety?**

16.12.090 - Sight distance standards.

- The following standards are established in order to maintain good visibility at controlled and uncontrolled intersections.
    - Visibility at Intersections. On corner lots in residential and industrial districts, no fence, wall, hedge or other planting or structure that will impede visibility between a height of two feet six inches and eight feet above the centerline grades of the intersecting streets shall be erected, painted, placed or maintained, and no vehicle so impeding visibility shall be parked within the triangular area formed by the right-of-way lines at such corner lots and a straight line joining said right-of-way lines at points which are twenty (20) feet distant from the intersection of the right-of-way lines and measured along such lines. If the relation of the surface of the lot to the streets is such that visibility is already obscured, nothing shall be done to increase the impediment to visibility within the vertical and horizontal limits set forth above.

10.08.020 - Washington State Highway 20 speed limit.

- On Washington State Highway 20, within the Town limits of Coupeville, the speed limit shall be forty-five (45) miles per hour.

**What are the potential improvements that could be made to this document to help prioritize safety?**

Add a Complete Streets section to the Code of Ordinances.

## LANGLEY

### 9. CITY COMPREHENSIVE PLAN

**Source:**

https://www.langleywa.org/departments/community_planning_and_building_department/Comprehensive_Plan.php

**Status: (Completed)**

Completed in 2018, minor amendments added in 2020. Updates to be completed by June 2025.

**Description:**

"The plan guides future growth and development in the city while conserving Langley's essential character, not only in the city limits, but also in the Joint Planning Area. This plan embodies the community's goals to guide how the City will develop over the next 20 years." (Page 2 of the Comprehensive Plan)

**How does this document prioritize safety?**

The following safety-related goals are outlined in the Comprehensive Plan:

- Goal T-1 Multi-Modal Transportation Network- "Strive for a multi-modal network that safely and conveniently accommodates multiple functions including travel, social interaction and commerce, to provide for more vibrant neighborhoods and more livable communities."
- Goal T-5 Vehicle Access - "Restrict the number of direct vehicle accesses onto collector streets to enhance both traffic flow and safety."
- Goal H-3-Pedestrian Orientation - "Encourage new subdivisions and neighborhoods that are designed to be pedestrian oriented and maintain a development pattern consistent with promoting a sense of community and safety"

**What are the potential improvements that could be made to this document to help prioritize safety?**

Establish multimodal level of service (MMLOS) standards for transit and non-motorized modes of transportation. Incorporate Vision Zero into the plan and into decision-making processes.

### 10. CITY MUNICIPAL CODE/COMPLETE STREETS/SPEED LIMIT POLICY

**Source:**

https://www.codepublishing.com/WA/Langley/

**Status: (Completed)**

2022 Version

**Description:**

This governing document describes the laws that are enacted and enforced by the City.

**How does this document prioritize safety?**

One of the intended purposes listed as part of the general provisions is to "fulfill the objectives of comprehensive planning policies of Langley in promoting the health, safety and welfare of the general public, as well as fulfilling the city's responsibilities as trustees of the environment as provided by law." (Section 15.01.005)

The Transportation section of the City's municipal codes contains the following ordinances related to safety:

- 15.01.465 Complete streets: "The city of Langley will plan for, design and construct all new transportation projects to provide appropriate accommodation for bicyclists, pedestrians, transit users and persons of all abilities in comprehensive and connected network"
- 10.08.010 Designated Speed limits: "Except as otherwise posted, the speed limit upon all streets within the city shall not be more than 25 miles per hour"

**What are the potential improvements that could be made to this document to help prioritize safety?**

Add design standards for streets and roadways that emphasize safety for all users. Develop an Active Transportation plan. Identify capital improvements to address deficiencies in pedestrian and bicycle travel. Review transit stops and accessibility for both internal and regional travel, including multimodal level of service standards within the Code.

## OAK HARBOR

### 11. CITY COMPREHENSIVE PLAN (2022-2036)

**Source:**

https://www.oakharbor.gov/ImageRepository/Document?documentId=1273

**Status: (Completed)**

Completed in 2022

**Description:**

"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… 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." (Page 9 of the Plan)

**How does this document prioritize safety?**

One of the land use element goals is to "encourage land use patterns that promote health and safety" which entails promoting land use changes that provide services closer to where people live and promoting interconnectedness between streets, parks, schools, trails, open spaces, and natural preserves. Part of the overarching guiding principles includes upgrading existing structures and facilities to make them safe and extend their life and usefulness.

Goal #1 of the transportation element is to "improve safety for all road users in Oak Harbor through thoughtful planning and street designs that accommodate all modes." (Page 96)

The policies under each goal outline specific actions to achieve it. The first policy under the #1 goal is tied to the State of Washington traffic safety efforts to eliminate traffic deaths and serious injury crashes by 2030 by using education, enforcement, engineering, emergency medical services, and leadership / policy. (Page 113)

One of the key priorities for transportation in the region outlined in this Plan is safety. The Plan intends to provide for and improve the safety and security of transportation users and the transportation system.

Policies in the Plan outline specific actions to achieve safety for all users of the transportation network, including the following:

1. Vision Zero
2. Prioritize historical high crash locations
3. Keep roadways operating in safe condition
4. Design street improvements to enhance the safe and efficient movement of pedestrians and bicycle traffic. Incorporate traffic calming measures where appropriate
5. Design new streets or redesign streets to reduce lane widths to accommodate vehicles that use the street most frequently

6. Coordinate with emergency services to ensure adequate and timely access as the transportation network is built

"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." (Page 102)

Existing bicycle and pedestrian facilities are mapped to identify gaps in the networks and systematically build a more bicycle-friendly and walkable community. It is recommended that efficient connections be established by encouraging a street system design in a rectangular grid pattern.

The City has started to invest in developing safer connections by improving sidewalks and crosswalks, which also involves adding flashing beacons at crosswalks and bike lanes. Sidewalks are built to provide both comfort and safe travel space whenever possible, and a buffer is recommended where speed limits exceed 25 MPH. The City has also started to address the gaps in the bicycle facilities by adding elements such as bike lanes and multi-use trails that support local and regional connections.

**What are the potential improvements that could be made to this document to help prioritize safety?**

No improvements identified. Ensure the safety emphasis in the current comprehensive plan is maintained in the next update.

## 12. CAPITAL IMPROVEMENTS PLAN (2023 - 2028)

**Source:**

https://www.oakharbor.gov/DocumentCenter/View/1492/CIP-2023-2028-PDF

**Status: (Completed)**

Completed December 2022

**Description:**

This planning document "identifies capital projects being proposed by the City during the [six-year] planning term. The CIP provides a planning schedule and provides options for financing the plan. The CIP provides a link between the various City department projects and the annual budget." (Page 1 of the CIP)

**How does this document prioritize safety?**

The list of capital projects was developed with a focus on the City's goal to provide a safe, balanced, and efficient multimodal transportation system that is consistent with the City's overall vision and adequately serves anticipated growth.

The prioritized projects are broken down by roadway and intersection improvement projects, pedestrian priority network projects, and bicycle priority network projects. Most of the roadway and intersection improvement projects also entail improving bicycle and pedestrian conditions.

**What are the potential improvements that could be made to this document to help prioritize safety?**

Continue to update the CIP and ensure safety improvement projects are prioritized in the program.

## 13. ACTIVE TRANSPORTATION PLAN

**Source:**

https://www.oakharbor.gov/DocumentCenter/View/1793/Revised-Draft-Active-Transportation-Plan-PDF?bidId=

**Status: (Completed)**

Completed April 2024

**Description:**

This planning document is intended to serve as "a comprehensive strategy to enhance quality of life, increase sustainability, support local economies, and improve mobility and safety." (Page 3 of the Plan)

"The Plan provides a roadmap for creating a robust network of safe and accessible pedestrian and bicycle facilities. The Plan recommends specific projects and policies to achieve its goals and vision, aiming to make Oak Harbor a more vibrant, healthy, and sustainable city." (Page 3)

**How does this document prioritize safety?**

The Plan vision is centered on four main goals: mobility, health, safety, and equity. The safety goal is driven by Vision Zero; the Plan intends to eliminate fatalities and severe injuries for pedestrians and bicyclists by redesigning streets, educating road users, and implementing proven safety countermeasures.

Three network analyses were conducted to evaluate the connectivity and comfort of the City's existing bike and pedestrian networks, including a sidewalk gap analysis, a pedestrian crossing stress analysis, and a bicycle level of traffic stress analysis.

The proposed pedestrian and bicycle projects focus on closing gaps in the existing networks and providing connectivity to key destinations. These projects aim to improve pedestrian/bicyclist safety and comfort by reducing the level of traffic stress.

**What are the potential improvements that could be made to this document to help prioritize safety?**

Consider implementing a monitoring system and update the plan on a regular basis (that is no longer than 10 years from the plan publishing date).

## 14. STREET DESIGN STANDARDS

**Source:**

https://www.codepublishing.com/WA/OakHarbor/html/OakHarbor11/OakHarbor1117.html

**Status: (Completed)**

Current through December 5, 2023

**Description:**

The Oak Harbor street design standards describe the required cross-sectional widths of various roadways by their functional classifications. Additionally, the standards put forth requirements for block layout as well as connectivity requirements.

**How does this document prioritize safety?**

The standards include sidewalk, landscape buffer, and bike lane width requirements for 8 different roadway classifications. Sidewalks are required for 5 of the 8 roadway types, while bike lanes are required for 4. However, roadways within the North Whidbey Enterprise Area are not required to have sidewalks or bike lanes on any road type. The North Whidbey Enterprise Area is approximately 1.5 square miles, located generally north of NE 16th Ave, west of SR 20, east of N Heller Rd, and south of W Ault Field Rd. The area is largely undeveloped.

The standards include connectivity requirements for non-motorized users:

"Streets, sidewalks, pedestrian or bike paths shall be linked within and between neighborhoods to create a continuous and interconnected network of roads and pathways."

**What are the potential improvements that could be made to this document to help prioritize safety?**

Update street cross section requirements to include more roadway types, require more sidewalks, and require more bike lanes, bike paths, or two-way cycle tracks. Require sidewalks and bike lanes within the North Whidbey Enterprise Area.

## 15. PARKS, RECREATION, AND OPEN SPACE PLAN (2019-2024)

**Source:**

https://www.oakharbor.gov/DocumentCenter/View/480/Parks-Recreation-and-Open-Space-Plan-PDF?bidId=

**Status: (Completed)**

Completed in June 2019

**Description:**

This planning document is an element of the City's Comprehensive Plan that outlines guiding principles to tie the natural environment with the urban environment with care and precision.

**How does this document prioritize safety?**

Guiding principles related to safety include:

- "Existing facilities should be upgraded to meet health and safety standards to ensure the longevity of its service." (Page 5 of the Plan)
- "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." (Page 6)

The level of service for parks and trails is determined by whether parks and recreation facilities are in proximity to residents, and whether all areas of the City have ease of access to these facilities. The LOS rating considers barriers to walkability and safety such as highways, major roadways, and lack of street connections.

**What are the potential improvements that could be made to this document to help prioritize safety?**

The document mostly focuses on safety within the scope of parks themselves, rather than the equally-important issues of safety, convenience, and comfort when reaching such places by all transportation modes. Consider additional content related to safe and convenient access to and from the park for those walking, biking, or driving.

## 16. IMPACT FEE ORDINANCE

**Source:**

https://www.codepublishing.com/WA/OakHarbor/html/OakHarbor03/OakHarbor0363.html

**Status: (Completed)**

Completed in July 2023

**Description:**

This chapter of the municipal code describes the implementation of impact fees for parks, recreation, and transportation. It also covers fee credits, deferral, payment, exemptions, appeals, and refunds.

**How does this document prioritize safety?**

This chapter establishes standards requiring that new growth and development pay a proportionate share of the cost of park, recreation and transportation facilities needed to serve new growth and development. Fees are compiled in a separate Master Fee Schedule. The purpose of this chapter also includes implementing the City comprehensive plan, the park and recreation facilities plan, and transportation improvements.

**What are the potential improvements that could be made to this document to help prioritize safety?**

Transportation fees are not explicitly directed towards increasing traffic capacity in this code, rather they are generally required to pay for transportation "facilities" and "improvements". Safety should

be explicitly mentioned as a transportation improvement, and safety projects as transportation facilities.

## CONSIDERATIONS FOR POLICIES, PLANS, PROCEDURES, STANDARDS, AND UPDATES

### Policies

- Modify Traffic Impact Study guidelines to require safety evaluations and establish provisions for private developers to mitigate for safety deficiencies in addition to capacity/mobility.
- Modify land use and zoning code to encourage mixed-use development and align pedestrian and bicycle generators with roadways that are designed to accommodate those modes.
- Establish access management policy that aligns with national best practices for access control, spacing, and design.
- Work with agency leadership to establish policies against risky behaviors while driving for business purposes (e.g., no cell phone use, don't drive impaired or drowsy, drive the speed limit, etc.).
- Create Safe Routes to School plans for all jurisdictions.
- Establish Complete Streets policies for Island County and the Town of Coupeville.

### Procedures

- Ensure safety is considered in one or more criteria for prioritizing transportation projects of all types.
- Ensure equity is considered in one or more criteria for prioritizing transportation projects of all types.
- Establish a Neighborhood Traffic Management program to receive, evaluate, and prioritize requests for traffic calming.
- Ensure at least one staff person is knowledgeable in safety analyses and best practices, including the Safe System Approach, the Highway Safety Manual, and FHWA's Proven Safety Countermeasures.
- Ensure at least one staff person is regularly monitoring safety grant funding opportunities and is knowledgeable in grant writing.

### Standards

- Modify roadway design standards to provide sidewalks, bicycle lanes, and/or multi-use paths on all roadways.
- Modify roadway design standards to require "daylighting" (e.g., removing visual obstructions like vegetation, utilities, street furniture, and on-street parking) near intersections, driveways, and mid-block crossings.
- Develop standard design details and specifications for safety enhancements such as bicycle signals, Rectangular Rapid Flashing Beacons, curb extensions, pedestrian refuge islands, bike boxes, bike green conflict pavement markings, etc.

**CITY OF OAK HARBOR** **Bill No.** 8.a
**City Council Agenda Bill** **Date:** May 20, 2025

**Subject:** Hillside Plat and Planned Residential Development (PRD) Extension Update
**Submitted By:** Sabrina Combs, City Administrator

**RECOMMENDED ACTION**
Staff is seeking additional direction from the Council regarding next steps.

**BACKGROUND / SUMMARY INFORMATION**
**Background:**
On March 25, 2025, during the City Council Workshop, Development Services Director David Kuhl provided an update regarding the upcoming expiration of the Development Services Agreement for this Hillside Planned Residential Development (PRD). Council extended the contract by 60 days to allow the developer to provide requested information. In order for staff and the developer to confirm documentation related to this project.

Since the deadline for the 60-day extension is coming up, staff is providing an update about activities between the City and Developer since the last meeting. This includes having the City's legal counsel review materials and provide an update on the potential next steps in the process.

**Actions taken since the March 25, 2025 Council Workshop:**
The City sent a letter to the Developer, Pacific North Group, Inc., advising them of the requirements to update Council at the May 20, 2025, meeting. The Developer met with staff and provided contacts for the required information. The items the City asked for included proof of verification of bonds, project updates, construction of a temporary road (based on a letter from the former Deputy Fire Chief), confirmation of utility services, and options for moving dirt based on requirements from the Washington State Department of Ecology.

Staff spent time working with the City Attorney to confirm legal documentation and bonding documents. The City Attorney's review of the current development documents/exhibits (agreements and bonds) determined that the Hillside Segment Plan has four (4) segments for Phase I, but that Phase I in the attached (Attachment 1) is where Phase II is shown on the preliminary plat attached to the Hearing Examiner decision meaning the phases appear to be flipped. However, the City agreed to work being done in segments in the Development Agreement (Attachment 2).

This means the $1.3 million Performance Bond, as issued, covers the Phase I Segment I as shown on the attachment (Attachment 1). The Development Agreement section 13 states, *"Provided, that development of each phase may be done in segments as determined herein. Segments shall be constructed in the manner proposed by the Developer and Developer's Engineer of Record and as accepted by the City."* Segment 1 somewhat matches where work is being done on the site, so this is sufficient to meet the requirements of the agreement.

The City Administrator met with the Developer on May 6, 2025, to discuss updates for the items

listed in the letter. For utility work, the Developer is working with several private utility companies to address utilities. We still need to receive official documentation of the utility work, but the Developer explained that they are working with Puget Sound Energy for power and bought fiber from Ziply and owns it for the lifetime of the project.

City Staff worked with the City Attorney to draft a potential two (2) year contract extension for the Development Agreement (Attachment 3). In addition, legal counsel suggests the City present the Hillside PRD to the Hearing Examiner at a future date to address when the phasing of the project is determined.

**LEGAL AUTHORITY**

N/A

**FISCAL IMPACT**

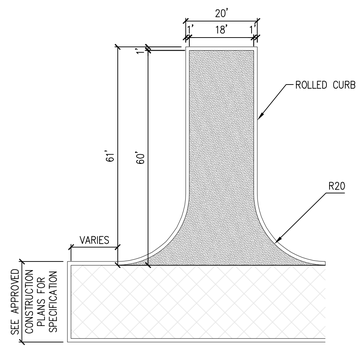
N/A

**PREVIOUS COUNCIL / BOARD / CITIZEN INPUT**

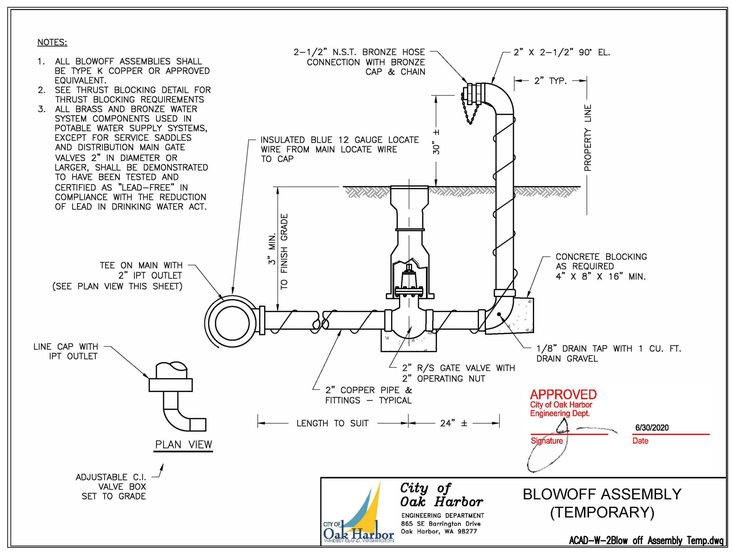
March 25, 2025 City Council Workshop

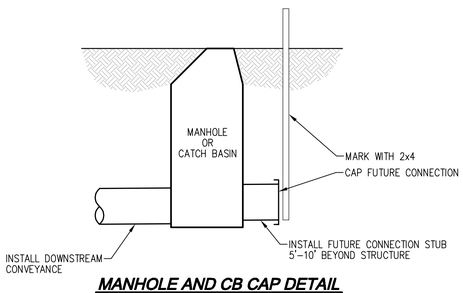
**ATTACHMENTS**

1. Hillside Segment 1 Plan 20211026 and Hilliside Segment Plan Update
2. Pacific North Group - Hillside PRD Development Agreement (Resolution 21-27)
3. DA - FIRST AMENDMENT - PACIFIC NORTH GROUP




***TEMPORARY TURNAROUND***
NOT TO SCALE




***MANHOLE AND CB CAP DETAIL***
NOT TO SCALE

***NOTE***
SEE APPROVED PHASE 1 CONSTRUCTION PLANS BY LDC, INC FOR DETAILED LOCATIONS, ELEVATIONS AND CONSTRUCTION DETAILS

REVISIONS

| NO. | DATE | DESCRIPTION | BY |
|---|---|---|---|


LDC
Surveying
Engineering
Planning
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20210 142nd Avenue NE
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T 425.806.1869
Kent
1851 Central Pl S, #101
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www.LDCorp.com
F 425.482.2893


WRIGHTS CROSSING, LLC.

# HILLSIDE PRD

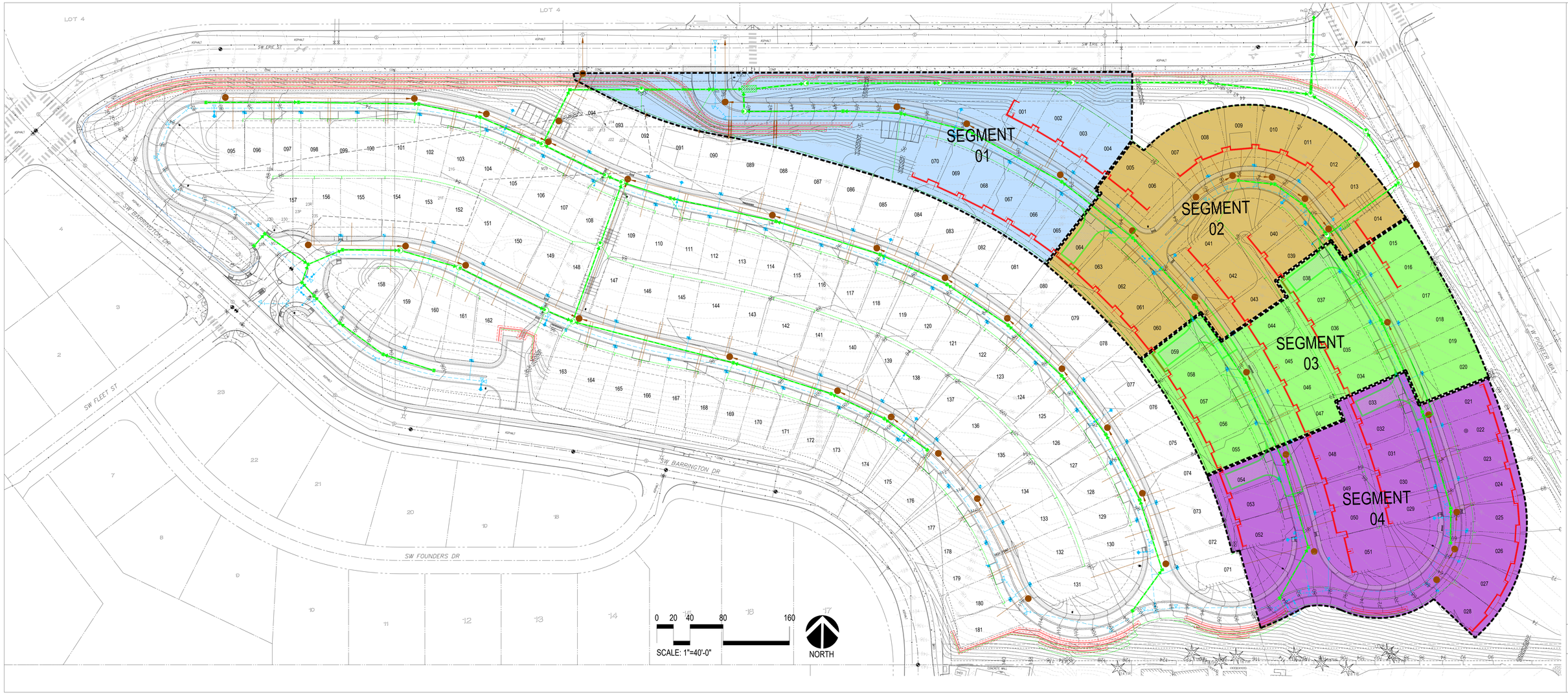
*PHASE 1 – SEGMENT 1*

| | |
|---|---|
| JOB NUMBER: | C18-123 |
| DRAWING NAME: | |
| DESIGNER: | MEV |
| DRAFTING BY: | CAF |
| DATE: | 10-20-21 |
| SCALE: | 1"=30' |
| JURISDICTION: | OAK HARBOR |

**EX-01**

SHEET 1 OF 4

Drawing: P:\Civil\2018\C18-123 Oak Harbor\Drawings\Exhibits\C18123E-EX-37-1.dwg Plotted: Oct 26, 2021 - 3:51pm




DATE

REV/ # | REV/SION DESCRIPTION

ENG. STAMP

STRUCTURAL DESIGN:
VOELKER ENGINEERING
1911 116th Ave
Bellevue, Washington 98004

OWNER/BUILDER
PACIFIC NORTH GROUP
pacificnorthgroup.com
contractor license
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PACIFIC NORTH GROUP
HILLSIDE CASCADE
OAK HARBOR MASTER PLANNED COMMUNITIES
Phase 01 Segments Plan

FILE NAME:
HILLSIDE
DATE: 08/02/2021
SHEET NO.
2.0
OF 5

RESOLUTION 21-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF OAK HARBOR AND PACIFIC NORTH GROUP INC., FOR THE HILLSIDE PLANNED RESIDENTIAL DEVELOPMENT

WHEREAS, a local government may enter into a Development Agreement with a person having ownership or control of real property within its jurisdiction under RCW 36.70B.170; and

WHEREAS, Pacific North Group Inc. ("Developer") intends to develop a subdivision in two phases on 20.11 acres of residentially zoned property in the City; and

WHEREAS, Developer requested that the City of Oak Harbor and Developer enter into a Development Agreement pursuant to the terms of Chapter 18.30.010 of the Oak Harbor Municipal Code to set forth development standards and other provisions that will govern and vest the Project; and

WHEREAS, pursuant to RCW 36.70B.200, the Oak Harbor City Council held a public hearing on November 16, 2021, regarding the proposed Development Agreement, and, after considering all testimony present at the public hearing, determined that the Development Agreement should be approved.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON, RESOLVES AS FOLLOWS:

1. The Development Agreement attached hereto as Exhibit "A" is approved and the Mayor is authorized to sign the Development Agreement.

2. As provided in RCW 36.70B.190, the Development Agreement shall be recorded with the real property records of Island County, Washington, and shall be binding on all parties and their successors and assigns.

PASSED by the City Council and APPROVED by the Mayor this 16th day of November 2021.

THE CITY OF OAK HARBOR

Veto ( )
Approve (✓)

By _____
Robert Severns, Mayor

Dated: November 16, 2021

Resolution 21-27 approving the
Development Agreement with Pacific North Group Inc. re:

Attest:

Julie Lindsey, City Clerk

Approved as to Form:

for

Hillary Evans, City Attorney

Published: 11-27-21

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Resolution 21-27 approving the
Development Agreement with Pacific North Group Inc. re:

**DEVELOPMENT AGREEMENT**
**BY AND BETWEEN THE CITY OF OAK**
**HARBOR AND PACIFIC NORTH GROUP INC.**
**FOR THE**
**HILLSIDE PLANNED RESIDENTIAL**
**DEVELOPMENT**

THIS DEVELOPMENT AGREEMENT is made and entered into this 4TH day of NOVEMBER, 2021, by and between the City of Oak Harbor, a noncharter, optional code Washington municipal corporation, hereinafter the "City," and Pacific Group North Inc., a Washington for profit corporation organized under the laws of the State of Washington, hereinafter the "Developer."

**RECITALS**

WHEREAS, the Washington State Legislature has authorized the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction (RCW 36.70B.170(1)); and

WHEREAS, local governments may also enter into a development agreement for real property outside its boundaries as part of a proposed annexation or service agreement (RCW 36.70B.170(1)); and

WHEREAS, a development agreement must set forth the development standards and other provisions that shall apply to, govern and vest the development, use and mitigation of the development of the real property for the duration specified in the agreement (RCW 36.70B.170(1)); and

WHEREAS, for the purposes of this development agreement, "development standards" includes, but is not limited to, all of the standards listed in RCW 36.70B.170(3), City code and as set forth in this Agreement; and

WHEREAS, a development agreement must be consistent with the applicable development regulations adopted by a local government planning under chapter 36.70A RCW (RCW 36.70B.170(1)); and

WHEREAS, this Development Agreement by and between the City of Oak Harbor and the Developer (hereinafter the "Development Agreement"), relates to the development known as the "Hillside Planned Residential Development", which is located at: 31101 SR 20 Oak Harbor, Washington (hereinafter the "Property"); and

WHEREAS, the following events have occurred in the processing of the Developer's application:

a) Hearing Examiner's decision No.PPL-18-01, PLN 18-30, PLN 18-29, TRC 18-21, LND 18-02, was approved on March 31st, 2020, a copy of which is attached hereto as Exhibit 1 and incorporated by this reference;

b) After a duly noticed public hearing, by Resolution No. 21-27, the City Council authorized the Mayor to sign this Development Agreement with the Developer;

c) The Developer submitted the following bonds: 800039120, 800039121, 800039122, 800039123, 800039124, 800039125, 800039126, 800039127, and 800039128.

Now, therefore, the parties hereto agree as follows:

**General Provisions**

**Section 1. The Project.** The Project is the development and use of the Property, consisting of 20.11 acres in the City of Oak Harbor as approved by the City Land Use Hearing examiner on March 31st,2020. The Preliminary Plat/PRD describes the Project as 192 single family residential lots.

**Section 2. The Subject Property.** The Project site is legally described in Exhibit 2, attached hereto and incorporated herein by this reference.

**Section 3. Definitions.** As used in this Development Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section.

a) "Adopting Resolution" means the Resolution which approves this Development Agreement, as required by RCW 36.70B.200 and Chapter 18.30 OHMC.

b) "Certificate of occupancy" means either a certificate issued after inspections by the City authorizing a person(s) in possession of property to dwell or otherwise use a specified building or dwelling unit, or the final inspection if a formal certificate is not issued.

c) "Council" means the duly elected legislative body governing the City of Oak Harbor.

d) "Director" means the City's Planning Services Director.

e) "Effective Date" means the effective date of the Adopting Resolution.

f) "Existing Land Use Regulations" means the ordinances adopted by the City Council of Oak Harbor in effect on the Effective Date, including the adopting ordinances that govern the permitted uses of land, the density and intensity of use, and the design, improvement, construction standards and specifications applicable to the development of the Subject Property, including, but not limited to the Comprehensive Plan, the City's

Official Zoning Map and development standards, the Design Manual, the Public Works Standards, SEPA, Concurrency Ordinance, and all other ordinances, codes, rules and regulations of the City establishing subdivision standards, park regulations, building standards. Existing Land Use Regulation does not include non-land use regulations, which includes taxes and impact fees.

g) "Landowner" is the party who has acquired any portion of the Subject Property from the Developer who, unless otherwise released as provided in this Agreement, shall be subject to the applicable provisions of this Agreement. The "Developer" is identified in Section 5 of this Agreement.

h) "Project" means the anticipated development of the Subject Property, as specified in Section 1 and as provided for in all associated permits/approvals, and all incorporated exhibits.

i) "Segment" means the construction of a portion of a phase of development in an orderly fashion and in accordance with the terms and conditions of Section 13 of this Development Agreement and as set forth on Exhibit 4 herein.

**Section 4. Exhibits.** Exhibits to this Agreement are as follows:

a. Exhibit 1 - Hearing Examiner Plat/PRD Approval
b) Exhibit 2 – legal description of the Subject Property.
c) Exhibit 3 – Plat Map showing Development Phases.
d) Exhibit 4 – Segment Plan as proposed by Developer's Engineer of Record and as approved in concept by the City.
e) Exhibit 5 – Checklist for Segment Plan

**Section 5. Parties to Development Agreement.** The parties to this Agreement are:

a) The "City" is the City of Oak Harbor, 865 Barrington Drive, Oak Harbor, WA. 98277.

b) The "Developer" is Pacific North Group Inc. or Owner is a private enterprise which owns the Subject Property in fee, and whose principal office is located at 540 Barrington Drive, Oak Harbor WA. 98277.

c) The "Landowner." From time to time, as provided in this Agreement, the Developer may sell or otherwise lawfully dispose of a portion of the Subject Property to a Landowner who, unless otherwise released, shall be subject to the applicable provisions of this Agreement related to such portion of the Subject Property.

**Section 6. Project is a Private Undertaking.** It is agreed among the parties that the Project is a private development and that the City has no interest therein except as authorized in the exercise of its governmental functions.

**Section 7. Term of Agreement.** This Agreement shall commence upon the effective date of the Adopting Resolution approving this Agreement, and consistent with OHMC 21.40.020, shall continue in force for a period of five (5) years from March 31,2020 – the date of the Hearing Examiner approval unless extended or terminated as provided herein or pursuant to the Oak Harbor Municipal code section 21.40.020(4) as it now reads or as it may hereinafter be amended. Following the expiration of the term or extension thereof, or if sooner terminated, this Agreement shall have no force and effect, subject however, to post-termination obligations of the Developer or Landowner.

**Section 8. Vested Rights of Developer.** During the term of this Agreement, unless sooner terminated in accordance with the terms hereof, in developing the Subject Property consistent with the Project described herein, Developer is assured, and the City agrees, that the development rights, obligations, terms and conditions specified in this Agreement, are fully vested in the Developer and may not be changed or modified by the City, except as may be expressly permitted by, and in accordance with, the terms and conditions of this Agreement, including the Exhibits hereto, or as expressly consented thereto by the Developer.

**Section 9. Permitted Uses and Development Standards.** The permitted uses, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation and dedication of land or payment of fees in lieu of dedication for public purposes, the construction, installation and extension of public improvements, development guidelines and standards for development of the Subject Property shall be those set forth in the Oak Harbor Municipal Code, this Agreement, the permits and approvals identified herein, and all exhibits incorporated herein.

**Section 10. Minor Modifications.** So long as they are consistent with the decision of the hearing Examiner approving the Plat/PRD for this Project, minor modifications from the approved permits or the exhibits attached hereto may be approved in accordance with the provisions of the City's code, and shall not require an amendment to this Agreement.

**Section 11. Further Discretionary Actions.** Developer acknowledges that the Existing Land Use Regulations contemplate the exercise of further discretionary powers by the City. These powers include, but are not limited to, review of additional permit applications under SEPA. Nothing in this Agreement shall be construed to limit the authority or the obligation of the City to hold legally required public hearings, or to limit the discretion of the City and any of its officers or officials in complying with or applying Existing Land Use Regulations.

**Section 12. Existing Land Use Fees and Impact Fees.**

A. Land use fees adopted by the City by ordinance as of the Effective Date of this Agreement may be increased by the City from time to time, and applicable to permits and approvals for the Subject Property, as long as such fees apply to similar applications and projects in the City.

B. All impact fees shall be paid as set forth in the approved permit or approval, or as addressed in Chapter 3.63 of the Oak Harbor Municipal Code.

**Section 13. Phasing of Development.** The parties acknowledge that the most efficient and economic development of the Subject Property depends upon numerous factors, such as market orientation and demand, interest rates, competition and similar factors, and that generally it will be most economically beneficial to the ultimate purchasers of the Subject Property to have the rate of development determined by the Developer. However, the parties also acknowledge that because the Development will be phased, certain infrastructure and amenities associated with the Project must be available to all phases of the Project, in order to address health, safety and welfare of the residents and the general public. As proposed by the Developer and approved by the City Land Use Hearing Examiner, the Project has been approved to be constructed in two phases as set forth on Exhibit 3 which is attached and incorporated herein by this reference. Provided, that development of each phase may be done in segments as defined herein. Segments shall be constructed in the manner as proposed by the Developer and Developer's Engineer of Record and as accepted by the City as set forth in Exhibit 4 attached hereto and incorporated by this reference. All segments shall be subject to the following terms, conditions and limitations:

1. All segments shall be supported by a utility construction phasing plan prepared by the Developer's Engineer of Record and as shown in Exhibit 4. Exhibit 4 utility plans will detail roads, grading, erosion control, sanitary sewer, stormwater, and water infrastructure necessary to support each segment. The Developer's Engineer of Record will show on Exhibit 4 any interim conditions necessary to support each segment and will provide any details necessary for the orderly expansion of utilities. The Developer's Engineer of Record will provide details of slope stability measures and interim structural measures on Exhibit 4 to support each segment.

2. Public Sewer and Water Utility improvements for each Segment shall be built, tested and accepted by the City Engineer before the City Building Department will issue Certificates of Occupancy for the fronting Lots. Except for Model Homes, all

segments must include the completion, inspection and approval of adjoining supporting retaining walls prior to issuance of building permits to the fronting lots.

3. Certificates of Occupancy and Selling of Lots shall not occur until all the private street, private storm and utility improvements are built and accepted within each Segment by the City Engineer.

**Section 14. Bonding; Security.**

14.1 Bond Required; Approval. Performance bonds, payment bonds, and maintenance bonds shall be required, managed, and released as set forth in the Oak Harbor Municipal Code unless otherwise specified in this Development Agreement. All bonding documents shall be approved by the City Attorney.

14.2 Performance Bond for Improvements. Prior to commencement of any segment along with the cost estimate and checklist, pursuant to OHMC 21.30.020(3)c, for each segment, a performance bond in the amount of 112 percent of the cost to construct required and uninstalled improvements may be posted in lieu of the complete installation of improvements; provided, that such bond is recommended by the city engineer. All deferred improvements for which the segment is bonded, shall be completed within two years from the date a bond has been accepted or the city will execute on said bond or other security to complete. The performance bond shall specify exactly what improvements are included, accompanied by a time schedule for completion. In lieu of the performance bond, the developer may provide for other security approved by the city council at the next regularly scheduled council meeting following the city engineer's approval of construction plans;"

14.3 Model Home Bond. Performance bonding for construction of model homes shall be in accordance with Chapter 21.100.060.

14.4 Public Improvements Bonds. Public improvements and performance bonds shall be submitted to the City prior to beginning construction.

14.5 Waiver and Release. No bond shall be released without the prior written consent of the City and completion of the work for which the bond was submitted. No performance or payment bond shall be released before any required maintenance bond has been submitted and approved.

**Section 15. Default.**

A. Subject to extensions of time by mutual consent in writing, failure or delay by either party or Landowner not released from this Agreement, to perform any term or provision of this Agreement shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party or Landowner not less than thirty (30) days' notice in writing, specifying the nature of the alleged default and the manner in which said default may be cured. During this thirty (30) day period, the party or Landowner charged shall

not be considered in default for purposes of termination or institution of legal proceedings.

B. After notice and expiration of the thirty (30) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party or Landowner to this Agreement may, at its option, institute legal proceedings pursuant to this Agreement. In addition, the City may decide to file an action in island County Superior Court to enforce the City's Codes, and to obtain penalties and costs as provided in the Oak Harbor Municipal Code for violations of this Development Agreement and the Code.

**Section 16. Annual Review.** The City shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by Developer and Landowner with this Agreement. The City may charge fees as necessary to cover the costs of conducting the annual review.

**Section 17. Termination.** This Agreement shall expire and/or terminate as provided below:

A. This Agreement shall expire and be of no further force and effect if the development contemplated in this Agreement and all of the permits and/or approvals issued by the City for such development are not substantially underway prior to expiration of such permits and/or approvals. Nothing in this Agreement shall extend the expiration date of any permit or approval issued by the City for any development.

B. This Agreement shall expire and be of no further force and effect if the Developer does not construct the Project as contemplated by the permits and approvals identified in this Agreement, and submits applications for development of the Property that are inconsistent with such permits and approvals.

C. This Agreement shall terminate upon the expiration of the term identified in Section 7 or when the Subject Property has been fully developed, which ever first occurs, and all of the Developer's obligations in connection therewith are satisfied as determined by the City. Upon termination of this Agreement, the City shall record a notice of such termination in a form satisfactory to the City Attorney that the Agreement has been terminated. This Agreement shall automatically terminate and be of no further force and effect as to any single-family residence, any other residential dwelling unit or any non-residential building and the lot or parcel upon which such residence or building is located, when it has been approved by the City for occupancy.

**Section 18. Effect upon Termination on Developer Obligations.** Termination of this Agreement as to the Developer of the Subject Property or any portion thereof shall not affect any of the Developer's obligations to comply with the City Comprehensive Plan and the terms and conditions or any applicable zoning code(s) or subdivision map, Hearing Examiner Decision or other land use entitlements approved with respect to the Subject Property, any other conditions of any other development specified in the

Agreement to continue after the termination of this Agreement or obligations to pay assessments, liens, fees or taxes.

**Section 19. Effects upon Termination on City.** Upon any termination of this Agreement as to the Developer of the Subject Property, or any portion thereof, the entitlements, conditions of development, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested hereby with respect to the property affected by such termination (provided that vesting of such entitlements, conditions or fees may then be established for such property pursuant to then existing planning and zoning laws).

**Section 20. Assignment and Assumption**. The Developer shall have the right to sell, assign or transfer this Agreement with all their rights, title and interests therein to any person, firm or corporation at any time during the term of this Agreement. Developer shall provide the City with written notice of any intent to sell, assign, or transfer all or a portion of the Subject Property, at least 30 days in advance of such action.

**Section 21. Covenants Running with the Land.** The conditions and covenants set forth in this Agreement and incorporated herein by the Exhibits shall run with the land and the benefits and burdens shall bind and inure to the benefit of the parties. The Developer, Landowner and every purchaser, assignee or transferee of an interest in the Subject Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Subject Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of a Developer contained in this Agreement, as such duties and obligations pertain to the portion of the Subject Property sold, assigned or transferred to it.

**Section 22. Amendment to Agreement; Effect of Agreement on Future Actions.** Consistent with the Oak Harbor Municipal Code, this Agreement may be amended by mutual consent of all of the parties, provided that any such amendment shall follow the process established by law for the adoption of a development agreement (*see,* RCW 36.70B.200). However, nothing in this Agreement shall prevent the City Council from making any amendment to its Comprehensive Plan, Zoning Code, Official Zoning Map or development regulations affecting the Subject Property during the next five years, as the City Council may deem necessary to the extent required by a serious threat to public health and safety. Nothing in this Development Agreement shall prevent the City Council from making any amendments of any type to the Comprehensive Plan, Zoning Code, Official Zoning Map or development regulations relating to the Subject Property five years from the anniversary date of the Effective Date of this Agreement.

**Section 23. Releases.** Developer, and any subsequent Landowner, may free itself from further obligations relating to the sold, assigned, or transferred property, provided that the buyer, assignee or transferee expressly assumes the obligations under this Agreement as provided herein.

**Section 24. Notices.** Notices, demands, correspondence to the City and Developer shall be sufficiently given if dispatched by pre-paid first-class mail to the addresses of the parties as designated in Section 5. Notice to the City shall be to the attention of both the City Administrator and the City Attorney. Notices to subsequent Landowners shall be required to be given by the City only for those Landowners who have given the City written notice of their address for such notice. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

**Section 25. Reimbursement for Agreement Expenses of the City.** Developer agrees to reimburse the City for actual expenses incurred over and above fees paid by Developer as an applicant incurred by City directly relating to this Agreement, including recording fees, publishing fess and reasonable staff and consultant costs not otherwise included within application fees. This development agreement shall not take effect until the fees provided for in this section, as well as any processing fees owed to the City for the Hillside Planned Residential Development project are paid to the City. Upon payment of all expenses, the Developer may request written acknowledgement of all fees. Such payment of all fees shall be paid, at the latest, within thirty (30) days from the City's presentation of a written statement of charges to the Developer.

**Section 26. Applicable Law and Attorneys' Fees.** This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. If litigation is initiated to enforce the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs from the non-prevailing party. Venue for any action shall lie in Island County Superior Court.

**Section 27. Third Party Legal Challenge.** In the event any legal action or special proceeding is commenced by any person or entity other than a party or a Landowner to challenge this Agreement or any provision herein, the City may elect to tender the defense of such lawsuit or individual claims in the lawsuit to Developer and/or Landowner(s). In such event, Developer and/or such Landowners shall hold the City harmless from and defend the City from all costs and expenses incurred in the defense of such lawsuit or individual claims in the lawsuit, including but not limited to, attorneys' fees and expenses of litigation, and damages awarded to the prevailing party or parties in such litigation. The Developer and/or Landowner shall not settle any lawsuit without the consent of the City. The City shall act in good faith and shall not unreasonably withhold consent to settle.

**Section 28. Specific Performance.** The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Development Agreement by any party in default hereof.

28.1 By Developer. By executing this Development Agreement, the Developer represents and warrants that it has taken all necessary steps under its corporate authorities to authorize such act, and that its execution of this Development Agreement is valid and binding for all purposes.

28.2 By City. By executing this Development Agreement, the City represents and warrants that it has taken all necessary steps under its corporate authorities to authorize such act, and that its execution of this Development Agreement is valid and binding for all purposes, subject only to subsequent appeals filed in accordance with RCW 36.70B.200.

**Section 29. Severability.** If any phrase, provision or section of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any statute of the State of Washington which became effective after the effective date of the ordinance adopting this Development Agreement, and either party in good faith determines that such provision or provisions are material to its entering into this Agreement, that party may elect to terminate this Agreement as to all of its obligations remaining unperformed.

**Section 30. No Other Agreements.** This document contains the entire agreement between the Parties with respect to the subject matter of the Agreement.

IN WITNESS WHEROF, the parties hereto have caused this Development Agreement to be executed as of the dates set forth below:

OWNER/DEVELOPER:
PACIFIC NORTH GROUP, INC.

By _____
Its PRESIDENT

CITY OF OAKHARBOR

By _____
Robert Severns, Mayor

ATTEST:

By _____
City Clerk

APPROVED AS TO FORM:

By _____
City Attorney

CITY OF OAK HARBOR
HEARING EXAMINER

| | | | |
|---|---|---|---|
| RE: | Preliminary Plat | ) | PPL-18-01 |
| | Preliminary PRD Plan | ) | PLN-18-030 |
| | Landscape Plan | ) | PLN-18-29 |
| | Transportation Concurrency | ) | TRC-18-21 |
| | Land Clearing Plan | ) | LND-18-02 |
| | Application for | ) | |
| | | ) | FINDINGS OF FACT, |
| | ***Wright's Crossing, LLC*** | ) | CONCLUSIONS OF LAW, |
| | ***"Hillside Preliminary Plat"*** | ) | AND RECOMMENDATION |

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## SUMMARY OF APPLICATION AND DECISION

Application: The Applicant, Scott Thompson, for Wright's Crossing, LLC seeks a Preliminary Plat and PRD consisting of up to 192 single-family lots on 20.11 acres spread over five separate tax parcels. Two existing homes on one parcel have been removed along with outbuildings associated. The project location can be described by the former homes' address as 31141 SR 20. If approved the preliminary plat and subsequent permits would allow for the removal of vegetation, grading, cutting and filling of land, and the installation of utilities and transportation infrastructure in preparation for the placement of single-family, detached homes on newly-platted lots. The property is generally known as 31101 SR 20, Oak Harbor, WA 98277.

Decision: The Hearing Examiner for the City of Oak Harbor hereby grants approval for the requested Preliminary Plat and PRD Plan consisting of up to 192 single-family lots, subject to the Conditions of Approval provided by the Development Services Department.

## FINDINGS OF FACT

### INTRODUCTION

The following Findings of Fact and Conclusions of Law are based upon consideration of

the exhibits admitted herein and evidence presented at the public hearing.

I.

Applicant: Scott Thompson for Wright's Crossing, LLC

Property Owner: Maple Hill Investment, LLC

Address of Proposal: Generally known as 31101, SR 20
Oak Harbor, WA 98277

Parcel Number: R13203-100-3510, R31203-118-3940, R13203-180-3782, R13203-237-3701, R13203-248-3931

**Comprehensive Plan Designation**: High Intensity Residential/Low Intensity Commercial on the southern portion of the site; and Low Intensity Residential on the northern portion

**Zoning Designation**: the southern two parcels are within the R-4 Multiple Family Residential District; the northern three parcels are in the R-1 Single-family Residential District

Application Presented for Action:
Preliminary Plat [PPL-18-01]; Preliminary PRD Plan [PLN-18-30]; Landscape Plan (PLN-18-29); Transportation Concurrency (TRC-18-21); Land Clearing Plan [LND18-21]

SEPA: The proposal meets the threshold for SEPA review. A SEPA Mitigated Determination of Non-significance [MDNS] issued for the project on March 2, 2020.

Legal Notices: Published in Whidbey News Times, 03/7/2020: Notice of Public Hearing. The Notices of Application were Mailed and Posted to adjacent Property Owners within 300-feet of the affected properties on December 19, 2018.

Hearing Date: March 23, 2020

Parties of Record
Scott Thompson, Applicant
Wright's Crossing, LLC

Mark Villwock, PE
Vice President
LDC, Inc.
20210 142nd Avenue NE
Woodinville, WA 98072

Ray Lindenburg, Associate Planner
Steve Powers, Director
Development Services Department
Jim Bridges, City Engineer
City of Oak Harbor

Exhibits

1 Staff Report with attached Exhibits
- 1-1 Zoning and Vicinity Maps
- 1- 2 Application Materials and Applicant Narrative
- 1- 3 SEPA Mitigated Determination of Non-Significance
- 1- 4 Public Noticing Documents
- 1-5 Public Comments

2 Mark Villwock, PE, Vice President, LDC, Inc. Exhibit List
- 2-1 Title Report, dated 10/18/18
- 2-2 Stormwater Modeling Report, dated 11/19/19
- 2-3 Traffic Impact Analysis, dated 5/14/19
- 2-4 Critical Areas Report, dated 12/04/19
- 2-5 Geotechnical Report, dated 11/313/18
- 2-6 Geotechnical Engineer Response to Comments, dated 5/21/19
- 2-7 Tree Evaluation, dated 11/13/18
- 2-8 Archaeological Survey and Assessment, dated 10/01/18
- 2-9 Tetra Tech Archaeological Letter, dated 11/14/18
- 2-10 Archaeological Excavation Permit, dated 4/26/19
- 2-11 Archaeological Permit Application, dated 5/21/19
- 2-12 Email from Ecology re: Agency Position on Freund Marsh, dated 12/30/19
- 2-13 DOE Letter of No Further Action on Oil and Diesel, dated 6/04/19

## II.

The Applicant, Scott Thompson, for Wright's Crossing, LLC, seeks a Preliminary Plat and PRD Plan consisting of up to 192 single-family lots on 20.11 acres spread over five separate tax parcels. Two existing homes on one parcel have been removed along with associated outbuildings. The project location can be described by the former homes' address of 31141 SR 20. With approval, the preliminary plat and subsequent permits will allow for removal of vegetation, grading, cutting and filling of land, and the installation of utilities and transportation infrastructure in preparation for the placement of single-family, detached homes on newly -platted lots.

## III.

The Development Services Department of the City of Oak Harbor recommends that the Hearing Examiner grant approval of the proposed Plat and PRD subject to conditions of approval contained in the Staff Report.

The Findings of Fact set forth by Staff in the Staff Report are supported by the record as a whole. The Applicant indicated that there were no factual inaccuracies in the Staff Report, and indicated no objections to the Staff's recommended Conditions of Approval.

The Findings of Fact and Conclusions of Law of the Department, as set forth in the Staff Report, Exhibit No.1 in the Hearing Examiner's file, are adopted as Findings of Fact and Conclusions of Law and incorporated herein by this reference.

## IV.

The file in this matter is extensive. The record establishes the extensive and careful review done by Staff and the responsiveness of the Applicants in addressing the concerns raised by Staff.

All City agencies with jurisdiction have recommended approval of the proposal. There was no public testimony at the Hearing. Public comments received during SEPA review were properly addressed during the project review.

## V.

Any Conclusion of Law which is deemed a Finding of Fact is hereby adopted as such. Based on the foregoing Findings of Fact, now are entered the following

## CONCLUSIONS OF LAW

I.

The Hearing Examiner concurs with Staff's review of the proposal's consistency with the Preliminary Plat, Planned Residential Development Plan and Subdivision Waivers as set forth in the Staff Report and with Staff's Recommendation that Preliminary Plat Review Approval is consistent with the Criteria of OHMC 21.20.070 and RCW 58.17.110.

Subject to the Conditions of Approval attached to the granting of this Permit, the Applicant's proposal is consistent with the requirements of the OHMC relating to the following applications: Preliminary Plat, Preliminary PRD Plan, Landscape Plan, Land Clearing Plan, and Transportation Concurrency. The Hearing Examiner should approve the proposals subject to the Conditions of Approval as recommended by Staff and set forth below.

Required public notice has been given. The proposals have been processed through the Type IV process with a public hearing and final decision by the Hearing Examiner.

II.

Any Finding of Fact deemed to be a Conclusion of Law is hereby adopted as such. Based on the foregoing Findings of Fact and Conclusions of Law, now is entered the following

## Decision

*The Hearing Examiner for the City of Oak Harbor hereby grants approval to Wright's Crossing, LLC for Hillside Preliminary Plat, PRD and Associated Permits consisting of up to 192 single-family lots on 20.11 acres to be located at 31101 SR 20, Oak Harbor, WA, parcel numbers R13203-100-3510, R13203-118-3940, R13203-180-3781, R13203-237-3701, and R13203-248-3931, subject to the following Conditions of Approval:*

Preliminary Plat

1. The applicant's architectural designs, landscape plans, land clearing plans, grading plans, and final plat drawing shall be in general conformance with the approved PRD and preliminary plat drawings entitled "Hillside Planned Residential Development," and dated August 22, 2019.

2. Applicant shall coordinate with the United States Postal Service for approval of mailbox location(s).

Preliminary PRD

3. The permissive variations and subdivision waivers requested are approved as follows:
   a. OHMC 19.20.105 and 19.20.200: The applicant is requesting a permissive variation to allow for the construction of single-family homes in the R-4 portion of the project site. OHMC 19.31.090(3)(b) allows for averaging of a PRD project density when the site is split between two zones, and the applicant has proposed a unit count that meets the minimum and maximum criteria when the zone district densities are calculated.

   b. OHMC 19.20.120(2): The applicant requests a variation from the minimum lot size of 7,200 square feet. Proposed lots within the subdivision range between 2,300 and 11,644 square feet.

   c. OHMC 19.20.120(3): A request to vary from the minimum lot width of 60 or 72 feet depending on the zone district. Related to the minimum lot size request, lot widths range from 26 to 78 feet.

   d. OHMC 19.20.120(4): The minimum lot depth of 90 feet in the R-1 and R-4 zone districts is requested to be varied from to allow for lots down to 80 feet in depth.

   e. OHMC 19.20.120(5): The applicant requests a reduction in the front yard setback from the standard of 20 feet down to 12 feet from the road to the building face.

   f. OHMC 19.20.120(6): A request for minimum side yard setbacks of 3 feet rather than the typical 5/12 foot required in the R-1 zone district and 5/20 feet in the R-4 district.

   g. OHMC 19.20.120(7): The minimum rear yard setback is requested to be reduced to 5 feet.

   h. OHMC 19.20.120(9): Individual building lots may exceed the 35% and 45% lot coverage standard for the R-1 and R-4 zone districts, respectively. As noted in the plans dated August 22, 2019, the total site includes 29% lot coverage overall. Because the project was conceived as a whole and is in compliance with current stormwater standards, individual lots shall be limited to the above-referenced

setbacks to ensure that the site does not become non-compliant with these standards.

i. OHMC 21.50.100(1) and (2): Dimensional standards regarding lot sizes reflected in the underlying zone district as noted above.

j. OHMC 21.50.100(6): The applicant requests a variation from the requirement that side and rear lot lines be straight or composed of straight-line elements.

k. 21.50.060(1): The applicant is requesting a variation to the standard that each lot in a subdivision have access to a public street or road. As proposed, all subdivision lots are served by an internal network of private roadways.

l. 21.60.040: Variation to allow that all lots be in-facing to the subdivision streets rather than two-tiered blocks.

m. 21.60.050: Maximum block length to be in general conformance with the plans dated August 22, 2019 with mid-block pedestrian trails through common open space provided to mitigate the block length.

n. 21.60.100: Variation to allow for streets not to be in a gridded pattern to conform to the topography.

o. 21.60.120: Allow for access to individual lots via private streets and driveways located within easements.

p. 21.60.130(1)(d): Private streets longer than 400 feet in length, in general conformance with the plans submitted on August 22, 2019.

q. 21.60.130(3) and (4): Relief from the maximum number of homes that may be accessed by a private street to allow for all homes in the subdivision up to a total of 192 to be served by a network of private streets in general conformance with the plans dated August 22, 2019.

r. 21.60.080: Subdivision waiver to allow for alternative local residential street designs which do not contain all of the essential elements listed in OHMC, in general conformance with the plans submitted on August 22, 2019 that include sidewalks on one side, reduced on-street parking, no park strip or other landscaping and 10-foot travel lanes in a 27-foot wide cross-section.

4. As a mitigation measure for permissive variations, front yard setbacks for homes shall meet the standard of OHMC 19.20.120(3)(d), which requires that "no two adjacent buildings on the same side of the street may have the same front setbacks. Setbacks must alternate from building to building. Minimum front setback variation must be two feet or greater." The applicant shall submit a revised site plan demonstrating compliance with this requirement prior to City approval of civil plans.

5. Driveway length shall be at least 20 feet from the building to the sidewalk or roadway for all homes.

6. Home designs and materials shall be as presented in plans dated March 6, 2020 with the exception of the side façade of end units. Those elevations shall include additional material variation as required on front facades due to their increased visibility. Revisions shall be submitted to staff before approval of any building permits for homes on the site.

7. Any future additions to existing homes shall be limited to the existing footprint to maintain compliance with existing stormwater regulations and prevent excess stormwater runoff. This requirement shall be placed on the recorded plat and within the CC&Rs.

8. Minor alterations of home plans approved as a part of the Hillside Development Center PRD may be approved by the Director.

9. The exterior design of homes constructed within the subdivision are reviewed with this PRD submittal as shown against the standards of OHMC 19.31. Because of the nature of the site and the concept of the applicant to incorporate retaining walls with the construction of the homes, bare concrete walls shall be minimized or designed to be architecturally compatible with the homes. Compatible design shall include appropriate pattern applied to the concrete, or similar finish materials to the adjacent homes. Plans shall be submitted to staff and approved before issuance of civil plan permits.

Landscaping

10. The landscape plan shall account for Heritage Way requirements along the SR 20 frontage. The applicant shall receive proper approval from Washington DOT for Heritage Way standards and any work within the right-of-way. Additional detail showing the Heritage Way requirements shall be submitted before civil plan approval.

11. The applicant shall post a three-year maintenance bond to ensure landscaping completion and a minimum plant survival of 80 percent at the end of three years. The type of bond shall be approved by the City and must be submitted on forms supplied by the City of Oak Harbor. The approved bond shall be posted with the Development Services Department prior to the issuance of a building permit. The bond amount shall be 150 percent of a landscaping maintenance bid amount submitted and approved by the City. The bid amount must include labor and materials.

12. Any signage proposed for the subdivision is not approved with the Preliminary Plat and PRD. A separate sign permit shall be required and approved before any permanent signage including subdivision identification, is placed.

Clearing and Grading Plan

13. All BMPs shall be followed during clearing and grading of the property, and during the duration of the project as required by the approved civil drawings.

Plat Drawing

14. Prior to approval of final plat, the applicant is required to submit a copy of all proposed deed restrictions and covenants.

15. The applicant shall include dedication language on the face of the final plat as stated in OHMC 21.40.040.

Engineering

16. Following approval of the preliminary plat by the city, the subdivider shall submit to the city engineer the applicable plans and other documents, and review fees as set out in Title 21 and the city's fee schedule, and three complete sets of construction plans prepared by an engineer registered in the state of Washington showing all improvements as required by the city council in granting the preliminary plat. Such plans must be submitted and approved by the city engineer prior to beginning any grading work on the site. OHMC 21.30.020(1)

17. All construction plans and specifications shall be in conformance with the city street and utility standards, as may be modified by this approval. The subdivider shall indicate, either on the plans or by separate document, the engineer retained to provide certification of all improvements. Approval shall expire five years from the date of initial preliminary plat approval. OHMC 21.30.020(2)

18. A performance bond in the amount of 112 percent of the cost to construct required and uninstalled improvements may be posted in lieu of the complete installation of improvements; provided, that such bond is recommended by the city engineer. All deferred improvements shall be completed within two years from the date a bond has been accepted or the city will use securities to complete. The performance bond shall specify exactly what improvements are included, accompanied by a time schedule for completion. In lieu of the performance bond, the developer may provide for other security approved by the city council at the next regularly scheduled council meeting following the city engineer's approval of construction plans. OHMC 21.30.020(3)(c)

**19.** Before acceptance of the improvements by the city, a maintenance bond or other security acceptable to the city shall be posted by the developer jointly obligating the developer, or some other party acceptable to the city, and a security, acceptable to the city, guaranteeing these improvements from any defects caused by faulty workmanship, materials or design or combination thereof for a period of two years from the date of written acceptance of the improvements. The amount of bond or other security requested shall be determined by the city engineer, but in no event shall the amount be less than 10 percent of the cost of the improvements. OHMC 21.30.020(3)(f)

**20.** Stormwater facilities are subject to final civil and construction plan review and may be subject to revisions based on submitted calculations and sizing of said facilities.

**21.** ADA ramps shall be placed in appropriate locations at intersections and midblock crossings with approval by the City Engineer.

SEPA MDNS

**22.** Grading, land clearing, and other site work shall be in accordance with OHMC 12.30 and 19.47 and commence only after the Preliminary Plat and Clearing and Grading plans have been approved.

**23.** A truck route plan, indicating times of day and days of the week shall be submitted for review and approval by the City Engineer. Peak traffic hours during the A.M. (±7:00 – 9:00) and P.M. (±4:00 – 6:00) are to be avoided.

**24.** A temporary storm drainage plan shall be approved by the City prior to commencing the land clearing process. Downstream and off-site stormwater capacity improvements must be constructed prior to on-site grading activity.

**25.** Earthwork shall be limited to the dry summer months of May through October. Exceptions may be granted by the City Engineer and/or the Public Works Director. Temporary erosion control measures shall be implemented immediately to protect any exposed soils during wet weather events that may occur during the specified construction window of May through early October.

**26.** A detailed erosion control plan is required. Specific emphasis shall be placed on the construction entrance and the protection of existing streets, drainage systems and downstream properties. The project is required to meet the standards of the 2012/2014 Washington DOE Stormwater Manual.

**27.** An NPDES Construction General Permit is required to be in effect at the start of any clearing and grading activities.

**28.** Site development shall comply with the recommendations of the project geotechnical reports. A professional Geotechnical Engineer registered in the State of Washington shall supervise cut and fill and construction activities during plat development and review the plans after final grades are established to ensure compliance with the geotechnical report recommendations. Placement of native soils as structural fill under proposed roadways or building foundations must be observed and tested under the direction of the Geotechnical Engineer. The Geotechnical Engineer shall then provide certification to the City Engineer proof of compliance with the geotechnical report recommendations.

**29.** A landscape plan meeting the standards of the OHMC sections 19.46 and 19.31 shall be submitted and approved before any clearing, grading or construction begins on the site. The landscape plan shall account for Heritage Way requirements along the SR 20 frontage.

**30.** Work hours are limited to weekdays between 7:00 AM and 9:00 PM by OHMC 6.56.030(h). Any work outside the time outlined in that section must be approved in advance by the Building Official.

**31.** A statement is to be included on the recorded plat and in the CC&Rs that the City is not responsible for the maintenance, cleaning, snow removal or repairs to private streets, driveways, curbs and sidewalks within the subdivision. A sign posted near each entrance of the subdivision stating this information shall be provided as well.

**32.** Homeowners shall be advised in the CC&Rs that refuse containers are to be located in a manner that is accessible to collection trucks. Failure to abide by this condition may result in refuse not being collected, or the imposition of a return trip fee.

**33.** The exterior design of homes constructed within the subdivision will be reviewed and approved per the standards of OHMC 19.31. Bare concrete walls shall be minimized or designed to be architecturally compatible with the homes and approved as part of the overall design of the homes themselves.

**34.** The applicant shall install city-approved streetlights in appropriate locations on both public right of way as well as the private streets within the subdivision in accordance with City standards for reduction of light pollution and glare.

**35.** The applicant shall sign a copy of the City's Inadvertent Discovery Plan (IDP) and make a copy of the IDP available onsite during construction.

**36.** The applicant shall abide by the conditions of approval set forth by DAHP for mitigation of site 45IS00370 and any other measures set forth by that agency.

**37.** Transportation and park impact fees shall be paid before building permits are issued per the standards of OHMC 3.63.020.

NOTICE OF APPEAL PROCEDURES FROM FINAL DECISION

This Decision of the Hearing Examiner is a final Decision by the City of Oak Harbor. Any Appeal must be filed in Superior Court and served on all necessary Parties, in Accordance with the provisions of R.C.W. 36.70C.040, within 21 days of the date of this Decision.

DATED this 31st day of March 2020.

Michael Bobbink

Michael Bobbink, Hearing Examiner

**Hillside Preliminary Plat, PRD and Associated Permits**
**PPL-18-01, PLN-18-30**
**Staff Report to Hearing Examiner**

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## APPLICATION:

The Hearing Examiner will consider an application for a Preliminary Plat and PRD consisting of up to 192 single family lots on 20.11 acres spread over five separate tax parcels. Two existing homes on one parcel have been removed along with outbuildings associated. The project location can be described by the former homes' address of 31141 SR 20. If approved, the preliminary plat and subsequent permits would allow for the removal of vegetation, grading, cutting and filling of land, and the installation of utilities and transportation infrastructure in preparation for the placement of single-family, detached homes on newly-platted lots.

## PROJECT INFORMATION:

**Applicant:** Scott Thompson for Wright's Crossing, LLC

**Property Owner:** Maple Hill Investment LLC

**Address of proposal**: Generally known as 31101 SR 20, Oak Harbor, WA 98277

**Parcel Numbers**: R13203-100-3510, R13203-118-3940, R13203-180-3781, R13203-237-3701, R13203-248-3931

**Comprehensive Plan Designation**: Subject site is in two designations: High Intensity Residential/Low Intensity Commercial on the southern portion of the site; and Low Intensity Residential on the northern portion.

**Zoning Designation**: Similar to the Comprehensive Plan Designation, the southern two parcels are within the R-4 Multiple Family Residential District; the northern three parcels are in the R-1 Single Family Residential District.

**Site Area:** 20.11 Acres

**Density:** 9.5 dwelling units per acre

**Lots:** 192

**Open space provided:** 5.8 acres

**Application Presented for Action**:
Preliminary Plat (PPL-18-01)
Preliminary PRD Plan (PLN-18-30)
Landscape Plan (PLN-18-29)
Land Clearing Plan (LND-18-02)
Transportation Concurrency (TRC-18-21)

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**Attachments:**

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|---|---|
| Attachment 1 | Zoning and Vicinity Map |
| Attachment 2 | Application Materials and Applicant Narrative |
| Attachment 3 | SEPA Mitigated Determination of Non-Significance |
| Attachment 4 | Public Noticing Documents |
| Attachment 5 | Public Comments |

## SITE GEOGRAPHY

The subject site is located across five separate parcels at the northwest corner of SR 20 and SW Erie Street and bounded by SW Barrington Drive on the north and an existing mobile home park on the west. The proposed project is located on a generally west-to-east sloping property with localized steep slopes interspersed with level areas. A portion of the project site is within a mapped Critical Area for steep slopes. Much of the southwestern corner of the site is currently forested. Vegetation on the remainder of the site generally consists of a few scattered trees, grasses, low shrubs and invasive blackberry bramble. No protected Garry Oak trees are known to exist within the project boundaries.

Land uses abutting the site include the following (see Attachment 1, Zoning and Vicinity Map):

| | Existing Land Use | Zoning |
|---|---|---|
| **North:** | Single-family residences | R-1, Single Family Residential |
| **South:** | Condominium developments | R-4, Multiple Family Residential |
| **East:** | Commercial Shopping Center | C-3, Community Commercial |
| **West:** | Mobile home park and single-family residences | R-4 and R-1 |

**ANALYSIS:**

INTRODUCTION

The application centers around the Preliminary Plat and Planned Residential Development (PRD) plan for a 192-lot subdivision intended for single-family residential units on individual lots. The subject site is comprised of five separate tax parcels spread over 20.11 acres on a generally sloping lot. Associated permits will allow for the clearing and grading of the site, construction of infrastructure and platting of the lots.

After the application was submitted, but before the writing of this report, two existing single-family homes on the site were removed. Associated accessory buildings including a barn were removed as well. As such, the site is now considered to be undeveloped.

If approved, the Preliminary Plat, PRD and subsequent permits would allow the applicant to remove vegetation, grade and fill land, install streets, utilities and other infrastructure in preparation for the construction of single-family, detached homes (see Attachment 2, Application Materials).

The applicant is also proposing to set aside approximately 5.9 acres of the site as open space as required for Planned Residential Developments (PRD) by the Oak Harbor Municipal Code (OHMC) 19.31.100. This comprises approximately 29.3% of the total site area, in excess of the 10% required for a PRD.

APPLICATIONS UNDER REVIEW

The proposed development review before the Hearing Examiner contains combined applications for a Preliminary Plat, Planned Residential Development (PRD) and Subdivision Waivers. Associated applications submitted with this packet are listed below and will be addressed individually following. The Applicant has submitted all the necessary information as per the filing requirements prescribed in the Oak Harbor Municipal Code (OHMC).

- Preliminary Plat (PPL-18-01) – The document that sets lot dimensions, street locations, public improvements and other specific details for the subdivision itself. The Preliminary Plat approval allows the applicant to begin construction of the public improvements in advance of receiving Final Plat Approval when those improvements are completed and inspected by the City.
- PRD (PLN-18-30) – The Planned Residential Development process allows applicants to mix smaller lots, modified setbacks and other variations to the underlying R-4 and R-1 zone districts in exchange for higher-quality home design, designated open spaces, additional landscaping and other improvements. The Hearing Examiner will review those improvements to ensure that the overall project is consistent with the applicable criteria of the OHMC and the Oak Harbor Comprehensive Plan. The Planned Residential Development section (OHMC 19.31.010) sets standards for permissive variations to standards of the underlying zone district such as minimum lot sizes, setbacks and other specifics found in the R-4 and R-1 zones and general design standards found in OHMC Title 21 subdivision requirements. Standards of the PRD section itself may not be varied from, however.
- Landscape Plan (PLN-18-29) – As part of the PRD process, the Hearing Examiner will review an overall landscape plan for the subdivision. The plan will include all neighborhood improvements, such as landscaping buffers, street trees, open space areas and resident amenities.
- Land Clearing Plan (LND-18-02) – Because a portion of the site is currently forested, a Land Clearing Plan is required to address how timber will be harvested from the property and regulate what protections will need to be in place to prevent impacts from increased runoff, potential erosion and damage from harvesting.
- Transportation Concurrency (TRC-18-21) – The traffic impact of new households on the greater community is considered through the review of Transportation Concurrency. Based on the number of homes proposed and the number of automobile trips those homes will be expected to generate, the applicant will be required to pay an impact fee.

The State Environmental Policy Act (SEPA) Checklist (SEP-18-09) is an associated application with this project but *does not require further action.* The applicant provided a SEPA checklist describing the project, identifying potential impacts and possible mitigation for those impacts. The checklist asks for details regarding wetland areas, endangered species and traffic impacts. Staff issued a Mitigated Determination of Non-Significance (MDNS) on March 2, 2020.

While many of the issues found in the SEPA checklist involve environmental issues, utility provisions and other important components, one element of the MDNS that may be addressed within the context of this staff report concerns aesthetics.

Because the site is a very visible hillside in a prominent location in the City of Oak Harbor, the applicant has made a number of decisions regarding the appearance of the development, particularly at the corner of SW Erie Street and SR 20.

The homes themselves have been designed to integrate into the hillside by being constructed at different levels, stepping down the slope. To assist in the transition between the rows of homes, retaining walls will be constructed. Though the distance between the homes is fairly small, the visual impact of the retaining walls could be significant. Therefore, as part of the mitigations listed in the MDNS, the retaining walls will not be allowed to be simply cast bare concrete. Staff will coordinate with the applicant to determine an appropriate treatment for the concrete, whether that be a cast or applied texture, or material installed over concrete, that will fully integrate those walls into the design of the overall structures. A condition of approval has been added to address this.

End units that have full visibility of the side façade should be treated with greater architectural ornamentation. The proposal shows all units with a simple stucco side façade – a condition of approval has been added to require greater material variation for end units where the side is not hidden by another building.

Preliminary Plat

Oak Harbor Municipal Code (OHMC 21.20.080) and state law establish criteria for the review of preliminary plats. OHMC 18.20.260 outlines the steps by which a preliminary plat is reviewed. The City evaluates the preliminary plat and takes comments in a public hearing. Below, staff is providing responses to the review criteria to assist decision-making process.

**Inquiry will be made into the public use and interest to be served by the establishment of the subdivision and make written findings regarding the following (from OHMC 21.20.070):**

(a) *Whether appropriate provisions have been made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds, and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.*

Response:

- Public health, safety and general welfare: The applicant proposes to promote the public health, safety and welfare by including provisions for water and sewer utility connections, an internal street network to serve the residence of the project and infrastructure to treat and channel stormwater runoff to Oak Harbor Bay.

- Open spaces: There is no minimum open space requirement for preliminary plats, however it is required for a PRD subdivision. Those requirements will be addressed in the following PRD section of this staff report. In addition, the applicant will pay impact fees which will be used to construct new parks and park capital facilities within Oak Harbor to serve the residents of this subdivision.

- Drainage Ways: The applicant is proposing that stormwater runoff from rooftops, roadways and other hard surfaces will be collected and conveyed on the site to a centralized treatment facility known as a perk filter. From there, the water will be transferred through a pipe system to a drainage system in Freund Marsh where it eventually is released into Oak Harbor bay through a tide gate.

- Transit stops: There is currently an existing bus stop adjacent to the subject property on SW Erie Street. This stop serves riders in Oak Harbor and the larger Whidbey Island community, providing service throughout the island and to the Clinton ferry terminal. A sister stop for riders traveling in the opposite direction is located off-site on the other side of SW Erie and other stops are located nearby.

- Potable water: Each lot within the subdivision will be connected to the City's public water system, which meets state quality requirements. The City has planned for and can accommodate the growth in population on the subject site to serve it with potable water.

- Sanitary wastes: Each lot within the site will be served by the City's sewer and solid waste services. The capacity to serve the proposed subdivision is accounted for in the City's wastewater collection and treatment system.

- Parks and recreation, playgrounds: The applicant will pay an impact fee to help offset the City's cost of providing park and recreation facilities to the residents of the subdivision.

- Schools and school grounds: The Oak Harbor School District will serve the residents and children of the proposed subdivision for educational needs from kindergarten through grade 12. The residents of the subdivision will contribute to the funding of the school district through the payment of property taxes.

- Sidewalks and safe routes to school: Sidewalks either exist on the perimeter of the project site or will be constructed as a part of frontage improvements for the project. From within the project site, pedestrian ways will be provided to access the perimeter sidewalks and access the larger community.

*(b) Whether the public use and interest will be served by the platting of the subdivision and dedications(s)*

Response:

- The public interest for this property is represented in part by the City of Oak Harbor Comprehensive Plan, which designates this site as both the Low-Intensity Residential land use category and High-Intensity Residential/Low-Intensity Commercial category. According to the Comprehensive Plan, the low-density 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." The High-Intensity Residential/Low-Intensity Commercial category "accommodates high-density residential uses, fringe neighborhood-scale commercial uses and office-type uses."

  The applicant is proposing to subdivide the site to allow for future construction of single-family residences at a comparatively high density, which is allowed under OHMC 19.31.090(3)(b), which states, "for any PRD located in more than one zone, the permitted percentage of coverage by buildings and structures allowed shall be determined by calculating the percentage of coverage allowed upon the area for each separate zone and averaging it across the entire project." In this case, the R-1 and R-4 districts have been calculated by square footage throughout the project area and the overall proposed density fits the required calculation.

  In addition, the applicant is proposing public facilities to serve the lots such as public water and sewer, which will help ensure that the public interest is served through the provision of safe, efficient utilities and transportation.

Also submitted with the Preliminary Plat application were preliminary CC&Rs and a Stormwater Operations and Maintenance Manual. Final modifications or updates shall be submitted by the applicant, reviewed by staff and completed as a part of Final Plat approval.

PRD

The proposed project utilizes the planned residential development (PRD) district provisions in Oak Harbor Municipal Code (OHMC) 19.31. The purpose of the PRD district is to create a process to promote diversity and creativity in site design, and to protect and enhance natural and community features.

The unique aspect of the PRD process is that it includes requirements for open space, allows for variations in lot sizes and street standards, requires architectural drawings demonstrating the character of the proposed development and demonstration of superior design components such as landscaping and reduction of impervious surfacing materials. The submissions defining these components for the PRD are in addition to those required for the Preliminary Plat.

PRD Review Criteria

The PRD approval will require that development shall conform in all major respects with the submitted plan sets. The City's review and action on PRD applications shall be based on the following criteria from OHMC 19.31.170:

*(1) Aside from the specific regulations, requirements or standards proposed to be varied, the project otherwise meets the requirements of the Oak Harbor Municipal Code.*

Response:

- The project meets the requirements set forth in the Oak Harbor Municipal Code.

*(2) Critical areas should be preserved and incorporated into the open space of the PRD. Buffer averaging and buffer enhancements shall qualify as preservation if such is recommended in an approved critical areas report.*

Response: The entirety of the project site slopes downhill from west to east and to a lesser extent, north to south. While the slope is generally consistent, within the site there are localized areas identified as critical areas due to the steepness of the slope. This geologically sensitive area is subject to the standards of OHMC 20.28, including the requirement that the applicant provide a Critical Areas Report which addresses the unique risks and potential mitigation measures.

City staff has reviewed the Critical Areas Report against the proposed development and concur with the conclusion that slope hazards may be mitigated by grading, proper drainage and construction techniques.

*(3) If smaller lot sizes and dimensions or decreased setbacks are proposed from what is required by the underlying zoning, buildings on these lots must meet requirements (3)(a) through (c) of this section or requirement (3)(d) or requirement (3)(e) of this section:*

*(a) Garage walls facing the street must be no closer than the wall containing the main entrance, or to the edge of a covered porch or deck if provided.*

Response: The applicant has submitted house plans that meet this requirement by placing the garage further from the street than either front porches or decks, depending on the model. Driveways will be required to be at least 20 feet in length to allow for parking of vehicles.

*(b) A garage door wall which faces the street must not be more than one-half of the facade width.*

Response: Home plans submitted by the applicant do not meet this requirement.

*(c) The main entrance must be prominent, easily visible and directly accessible from the street frontage.*

Response: The main entrance for each home plan is located on the front of the home via an easily visible front porch. The designs meet this requirement.

*(d) No two adjacent buildings on the same side of the street may have the same front setback. Setbacks must alternate from building to building. Minimum front setback variation must be two feet or greater.*

Response: Because the applicant has not met all requirements (a) through (c) above, either the setback variation mentioned in (d) or the rear entry garage in (e) must be utilized. Existing plans show slight variation between the homes, however it appears that the 2 foot requirement is not met. The applicant will be required to submit a revised plan showing the alternating setback as a condition of approval.

*(e) Residential buildings are accessed from an alley at the rear of the lots.*

Response: The applicant has not proposed any alley access on the site.

*(4) If nonresidential uses are included in the PRD, such uses shall be easily accessible to pedestrians, meaning that primary building entrances are oriented to the street and set back no more than 10 feet from the property line or a six-foot-wide pedestrian path is included connecting the nearest public sidewalk to the primary entrance of the secondary use.*

Response: No such uses are proposed.

*(5) Ten percent common open space is provided which complies with OHMC 19.31.110 through 19.31.130.*

Open space has been provided to comply with this requirement. Passive and active open space calculations are shown on page L-2 of the Landscape plan and meet the percentage requirements that are set forth in the OHMC sections noted above:

- 10% of the overall square footage of the project must be set aside as open space: the project encompasses 875,963 total square feet, therefore the requirement is 87,596 square feet. 253,058 square feet is provided.
- At least half of the required square footage (87,596 x .50) shall be active open space. 43,798 square feet is required; 62,915 is provided.

*(6) The PRD shall comply with all of the following adopted standards:*

*(a) The requirements of OHMC Title 21, Subdivisions. Variations from the requirements in OHMC Title 21 may be requested and reviewed as part of the PRD application. Other than the specific standards being varied from, PRDs must meet all applicable standards of OHMC Title 21, including the general design standards (Chapter 21.50 OHMC) and the residential design standards (Chapter 21.60 OHMC).*

Response: Planning and Engineering staff review has found the application to be substantively in compliance with the above-referenced sections with the exception of 10 items to which the applicant has filed requests to allow for variation from the code as allowed by OHMC 19.31.040. Additionally, the applicant has filed

application for six subdivision waivers. Those variations and waivers are discussed under the following appropriately-titled sections. Other minor changes may be required and will be addressed in the civil and construction phases of the project. Staff will ensure such details as number and location of specific trees, infrastructure, amenities and other items will be provided to meet standards set forth in the OHMC.

*(b) The standards and requirements of this chapter. If there is a conflict between the standards of this chapter and the standards in OHMC Title 21, the standards in this chapter shall take precedence.*

Response: None.

*(c) The Oak Harbor comprehensive plan policies.*

Response: The proposed use is consistent with Comprehensive Plan policies regarding housing and is compatible with the surrounding residential and commercial uses. The land use element of the Comprehensive Plan identifies specific land uses within the city to allow for the cohesive and logical growth of the city. These land use designations are intended to reduce potential conflicts between uses, provide appropriate connections and relationships with compatible uses, reduce encroachment upon NAS Whidbey, and provide sufficient land area for appropriate developments. The location of this project has been identified as being appropriate for higher-density housing in the above-referenced portions of the site, and lower-density residential uses in the remainder, to accommodate increases in population in Oak Harbor.

The zoning of the site is split between R-1 Single-Family Residential and R-4 Multiple Family Residential as described in the 'Project Information' section of this report. These zoning districts correspond directly with the land use designations of Low-Intensity Residential and High-Intensity Residential/Low-Intensity Commercial categories, respectively.

PRD developments and their allowed flexibility of particular zone district regulations are permitted in this location. The characteristics of the proposed plat (including density, lot configuration, setbacks, open space, etcetera) all meet the standards defined in the Comprehensive Plan and OHMC.

*(d) The design guidelines and regulations, if applicable.*

Response: The DRG document applies only to new commercial, industrial and multi-family projects. The exterior design of the homes is reviewed under the standards of the PRD section of OHMC 19.31.

*(e) All other standards adopted by the city of Oak Harbor, including engineering details and drawings.*

Response: City staff from all applicable departments have reviewed the project through the typical process for a PRD subdivision and have found that the proposal meets the criteria and standards set forth in the OHMC.

*(7) Applicants must meet either subsection (7)(a) or (b) of this section:*

*(a) Enhanced design which includes one or more of the following on each building within the development:*

*(i) A variety of exterior building materials such as brick, stucco, stone, and wood used as primary siding or as accent materials on front facades; or*

*(ii) Building articulation (offsetting walls, inclusion of windows, changes in material types) on side and rear walls of buildings; or*

*(iii) Side- or rear-loaded garages; or*

*(iv) Other applicant-proposed building design enhancements.*

*(b) Optional site design elements which includes one or more of the following:*

*(i) Low impact development stormwater techniques are employed on the site.*

*(ii) Ten percent or more of units within the development are qualified affordable housing as defined by OHMC 19.08.695.*

*(iii) Inclusion of a mix of residential and nonresidential uses within the development.*

*(iv) Fifteen percent or more of the gross area is open space.*

*(v) The project will not only preserve but enhance or rehabilitate the functions and values of a critical area of the site, such as significant woodlands, wildlife habitats, streams or wetlands, subject to the recommendations in an approved critical areas report. (Ord. 1567 § 2, 2010).*

Response: The application meets the criteria in the following ways: (1) by providing a variety of building materials including

Permissive Variations

OHMC 19.31.040 allows a PRD applicant to request variations from standards found in the underlying zone district and general standards found in OHMC Title 21 regarding Subdivisions. These variations are granted when the applicant can show compliance with the standards set forth under OHMC 19.31.170, PRD review criteria, reviewed above.

In practical terms, an applicant may request a variation from requirements of the R-1 and R-4 zone districts, such as minimum lot sizes, building setbacks, lot coverage and other similar standards. Similarly, variations may be requested from aspects of Title 21 regarding subdivisions. In some cases, these variations overlap – some standards of the underlying zone district are also outlined in Title 21.

Variations from the PRD section itself are not permitted – the standards found in that section are intended to be a part of the PRD subdivision and in fact will often mitigate some of the effects of permissive variations to the underlying zoning.

The applicant has requested permissive variations and subdivision waivers from standards found in the R-1 and R-4 districts and in Title 21, Subdivisions. In the application materials, some are shown as

Subdivision Waivers when they are intended to be processed as Permissive Variations. They are labeled as intended and addressed as follows:

Permissive Variations

1. OHMC 19.20.105 and 19.20.200: The applicant is requesting a permissive variation to allow for the construction of single-family homes in the R-4 portion of the project site. While a portion of the site is located in the R-1 zone district, and thereby single-family homes are permitted by right, the R-4 district does not show those homes to be a permitted use. The Permissive Variation process allows the applicant to request this allowance, stating that this will allow the project to better match nearby neighborhoods in form and scale by utilizing individual homes rather than multiple-unit buildings. Acceptance of this variation will allow the site to blend seamlessly together, rather than appearing as two separate projects. Staff notes that OHMC 19.31.090(3)(b) allows for averaging of a PRD project density when the site is split between two zones, and the applicant has proposed a unit count that meets the minimum and maximum criteria when the zone district densities are calculated.

2. OHMC 19.20.120(2): The applicant requests a variation from the minimum lot size of 7,200 square feet. Proposed lots within the subdivision range between 2,300 and 11,644 square feet. These lot sizes are proposed to allow a lot count that falls within the density required by the mixed R-1 and R-4 zone districts as mentioned above, while allowing for appropriate amounts of open space, perimeter buffering and interior roadways and other infrastructure. As a means to maintain the minimum density for the property and provide home types that will complement the existing neighborhoods and protect existing views, staff can support the proposed reductions in lot sizes based on the criteria set forth in the OHMC.

   OHMC 19.31.170 states the following in regard to variations from lot dimensions and setbacks:

   > "If smaller lot sizes and dimensions or decreased setbacks are proposed from what is required by the underlying zoning, buildings on these lots must meet requirements (3)(a) *through* (c) of this section *or* requirement (3)(d) *or* requirement (3)(e) of this section:"
   >
   > (a) Garage walls facing the street must be no closer than the wall containing the main entrance, or to the edge of a covered porch or deck if provided.
   >
   > (b) A garage door wall which faces the street must not be more than one-half of the facade width.
   >
   > (c) The main entrance must be prominent, easily visible and directly accessible from the street frontage.
   >
   > (d) No two adjacent buildings on the same side of the street may have the same front setback. Setbacks must alternate from building to building. Minimum front setback variation must be two feet or greater.
   >
   > (e) Residential buildings are accessed from an alley at the rear of the lots.

   The applicant has not stated which of the above have been chosen to mitigate the requested variations – (b) cannot work under the current proposal, so the application must fall include provision of (d) or (e) based on the text. With the proposed design, there are no alleys shown, so the requirement that the front setback be varied must be utilized. This is not shown on

current plans, but will be included as a condition of approval. This mitigation will apply for the variations noted herein, #2 through #8.

3. OHMC 19.20.120(3): A request to vary from the minimum lot width of 60 or 72 feet depending on the zone district. Related to the minimum lot size request, lot widths range from 26 to 78 feet, with most falling under the required 60 feet. Staff supports this request to allow for efficient layout of lots in the proposed subdivision.

4. OHMC 19.20.120(4): The minimum lot depth of 90 feet in the R-1 and R-4 zone districts is requested to be varied from to allow for lots down to 80 feet in depth. Staff supports the request.

5. OHMC 19.20.120(5): The applicant requests a reduction in the front yard setback from the standard of 20 feet down to 12 feet from the road to the building face. The application does note that the building setback is from a private roadway, rather than a private street, and includes a 20-foot setback to the garage to allow for parking on the driveway. Staff notes that 20 feet would be considered a minimum driveway length to prevent parking issues and pedestrian conflicts and supports the request based on the adequate provision of parking for individual units.

6. OHMC 19.20.120(6): A request for minimum side yard setbacks of 3 feet rather than the typical 5/12 foot required in the R-1 zone district and 5/20 feet in the R-4 district. With the smaller lot sizes, smaller side yard setbacks are proposed to allow for the development of homes on the lots. The proposed side yard setback will allow for access to all yard areas for private property owners, including the movement of yard maintenance equipment and other uses. Building codes allow for such separation depending on the method of construction and the provision of fire sprinklers, which the proposal includes. Staff supports the request to allow the required density in light of the higher requirements of the R-4 district.

7. OHMC 19.20.120(7): The minimum rear yard setback is requested to be reduced to 5 feet. Related to the reduced depth of lots, the increased density requirement of the R-4 district will require smaller yards which reduced lot depths and setbacks will allow. Staff supports this request.

8. OHMC 19.20.120(9): The R-1 zone district includes a maximum lot coverage of 35%, while the R-4 district allows up to 45%. Due to the smaller lot sizes and reduced setbacks proposed, lot coverage will be greater than those standards. The applicant states that overall, the site coverage is 29%, which falls below the standard of the R-1 district, even applied throughout the property. In this situation, the subdivision has been designed as a unit – all home plans are consistent throughout, driveways and roads are set and the concept allows for all stormwater to be handled per the Western Washington Stormwater Manual as required. Staff has reviewed the project in a unit manner and can support the coverage percentage as stated, though the individual lots are not calculated.

9. OHMC 21.50.100(1) and (2): These criteria of the Subdivision regulations reflect the requirements set forth above in the R-1 and R-4 zone districts. As above, staff supports the request.

10. OHMC 21.50.100(6): The applicant requests a variation from the requirement that side and rear lot lines be straight or composed of straight-line elements. Staff interprets that the design of the subdivision is appropriate considering curved boundary set by SW Barrington Drive and the slope of the site itself and supports the request.

11. 21.50.060(1): The applicant is requesting a variation to the standard that each lot in a subdivision have access to a public street or road. As proposed, all subdivision lots are served by an internal network of private roadways. The applicant has stated that the roads will be maintained by the Home Owners Association (HOA) and parking rules, garbage can placement and other details will be addressed through CC&Rs. Staff can support the provision of private street access because of the unique characteristics of the property including the steep slope and the lack of connections to other neighborhoods. The subdivision is isolated from local streets by topography and collector and arterial streets on three sides. These streets serve the greater community and gridding is not needed or practical in this location.

12. 21.60.040: OHMC requires blocks allow for two tiers of lots. Because of the slope of the property and the nature of the two bounding public streets, the applicant requests that all lots be in-facing to the subdivision streets. Staff supports this request.

13. 21.60.050: Block length is limited by OHMC to 800 or 1000 feet depending on physical characteristics of the terrain. The applicant is requesting variation to the maximum length due to the slope of the property, and the depth of the lots which would not allow streets with a slope less than the maximum 10% to connect the street network. Mid-block pedestrian trails through common open space have been provided to mitigate the block length. Staff supports this request as providing perpendicular roadways would require significant slopes.

14. 21.60.100: OHMC requires new streets to be laid out in a grid pattern with 3- or 4-way intersections. On the project site, the topography makes the provision of gridded streets difficult. The applicant has attempted to minimize grading and street slopes by following generally the contours of the land. Staff supports this request.

15. 21.60.120: OHMC requires lots to be accessed from a public street, except in the case of approved access easements. The applicant has provided such access to individual lots via private streets and driveways located within easements. Generally, these easements are only allowed in the case of a short plat, however staff can support this request because the application meets the five criteria that are listed in the section:

    a. Public utilities can be accommodated in the access easement or other easements on the site – the applicant has shown that such utilities can be located within the easements.

    b. The access easement will not compromise pedestrian, bicyclist, or vehicular safety and will provide for efficient traffic movement within the short subdivision and connecting to the surrounding circulation system – the proposed project is a long subdivision, but staff has determined that the criteria listed in this item can still be met by the utilization of access easements rather than public roadways.

    c. A public street is not necessary to provide access to a future developable area – there are not undeveloped areas adjacent to the proposed subdivision, making a connection unnecessary. There are also no developed stubs or other access ways adjacent to the project site.

    d. A site contains steep topography (exceeding 10 percent) or a critical area(s), and the use of an access easement would reduce impacts to those areas. If a site contains steep topography or critical areas, *the criteria listed above (a-c) must continue to be met* – the site includes significant slope throughout, including areas of above 10 percent and portions that are included in the critical areas map.

e. The access easement must conform to the requirements of the transportation element of the comprehensive plan, OHMC 21.60.130, and all other relevant street and utility standards as adopted by the city which are on file with the city clerk – the easements will provide access to single-family homes within the development and direct that traffic to existing public streets. The function of the access easements will be the same as if they were public and do not detract from the function of the existing transportation network. The proposed private access easements and the roadways upon them meet the standards noted in OHMC 21.60.130, except as noted below.

16. 21.60.130(1)(d): OHMC restricts the length of private streets to 400 feet. In this case, the network of streets through the project site is longer than that standard. However, staff has reviewed the plans and determined that all needed services can be provided utilizing the proposed roadways, which provide through access to all lots in the subdivision and appropriate ingress and egress to the subdivision itself.

17. 21.60.130(3) and (4): OHMC limits the number of homes that may be accessed by a private street to nine units. In this case, the applicant has requested the entire subdivision of up to 192 homes be served by a network of private streets. The nine-unit standard is in line with the limitations of a short plat process. Long plats such as this proposal are generally served by public roadways, however the applicant has requested private access easements for the reasons mentioned above, including the steep slopes, lack of connectivity with neighboring parcels and the need to limit impervious surfaces. Staff has determined that the other standards found above can be met and this standard can be waived.

Subdivision Waiver

1. 21.60.080: OHMC states, "Applicants for residential subdivisions or short subdivisions may also propose alternative local residential street designs which do not contain all of the essential elements listed in OHMC," which include: pedestrian facilities on both sides of the street, parking facilities, landscaping element along streets and 10 foot travel lanes.

   The applicant has requested streets that include sidewalks on one side, reduced on-street parking, no park strip or other landscaping and 10-foot travel lanes in a 27-foot wide cross-section.

   OHMC 21.60.080 continues, "If an applicant is proposing to eliminate one or more essential elements listed in OHMC 21.60.070 through the waiver process, all of the criteria for adjustment contained in OHMC 21.60.070(2) must be met. In addition, applicants must meet criteria in subsections (2)(a), (b), and (c) of this section and also meet either criterion in subsection (2)(d) or (e) of this section.

   OHMC 21.60.070(2) sets the following criteria:

   (a) How the proposed street section will provide an equal or better street design for vehicles and pedestrians.

   (b) The proposed design will not compromise vehicle or pedestrian safety.

   (c) Public utilities, such as storm, sewer and water, can continue to be provided, as necessary to serve the development.

(d) All comprehensive plan designated vehicular and pedestrian connections will continue to be provided.

The applicant states that these criteria are met through a variety of design considerations based on the topography and the nature of the project site (see applicant's 'Waiver Application for Alternative Designs letter included with application materials in Attachment 1). 10-foot wide travel lanes are provided, which meets the typical standard, allowing travel through the subdivision in a manner which is equal to the standard road design. Pedestrian access is provided along the street with a sidewalk on one side, plus a network of walking trails that traverse the site through mid-block crossings and paths along the perimeter of the subdivision. The existing sidewalk network in the area is nearly built out and serves the larger community by providing access to neighborhoods, commercial facilities and transit stops. The proposed subdivision will connect to this existing network. Public utilities are provided to all homes and stormwater facilities are included in the design of the subdivision. Existing vehicular and pedestrian connections will not be affected by this new subdivision.

Staff notes that the project site is unique – although it is in an existing developed neighborhood and can be considered infill, the site itself is surrounded by development that does not lend itself to gridding or other network integration. The project has been designed as a whole to fit into the site with little connection to the larger neighborhood, as there are not connections available. The applicant has provided an appropriate level of integration based on the project site. The nature of the subdivision itself includes private roadways and as such, is not expected to carry traffic from outside the subdivision or serve as connections through to other locations. Staff is comfortable with the overall concept to allow for the subdivision waiver for the street design for this reason.

Landscape Plan

As part of a Planned Residential Development, certain landscaping elements are required such as environmental amenities or common open space (OHMC 19.31.100) – including active (19.31.110) and passive (19.31.120) areas and perimeter landscaping around the boundaries of the project (19.31.140). The review of this landscape plan is occurring concurrently with the subdivision and PRD review as per OHMC 19.46.110(1).

The applicant has provided a comprehensive landscaping plan to address the requirements listed above, found on sheets L-1 through L-12. These sheets also show required native vegetation planting areas (OHMC 19.46.140), street trees, and the associated landscaping surrounding.

The concept of the landscape plan for the proposed development is to provide a buffer of fairly dense landscaping around the perimeter of the project, while connecting areas of active and passive open space within the development. As the streets are proposed to be private and the subdivision does not connect to adjacent neighborhoods through a local street system, it would be expected that the primary users of these open spaces will be the residents of the new subdivision itself.

Near the intersection of SW Erie Street and SR 20, a large entrance feature is proposed which will include signage identifying the subdivision. As a part of the landscape plan, the applicant will be required to follow the standards of the Heritage Way landscaping standards for SR 20, which include standards for tree species and spacing requirements. The applicant is required to coordinate with Washington DOT regarding this portion of the landscaping and any needed permitting.

Specifically, the applicant has proposed the following to meet the criteria listed above:

- Open space required: 10% of the gross area of the PRD

- Provided in this application: 29.3% of the total area is provided as open space. 10% of the overall square footage of the project must be set aside as open space – the requirement is 87,596 square feet. 253,058 square feet is provided. At least half of the required square footage shall be active open space. 43,798 square feet is required; 62,915 is provided.

- Perimeter landscaping required: 5 feet around exterior boundaries
  - Provided in this application: 5 feet around boundaries except those places where property is bounded by public rights-of-way, where the appropriate street frontage improvements are required as noted in OHMC and the Washington State Heritage Way program.

Details may be subject to change slightly to allow for design flexibility, but the required elements will be required as part of the final subdivision approval and staff will inspect the sight before final plat approval to ensure that they are included in the finished project.

Land Clearing Plan

The applicant submitted a land clearing plan with the application materials. As part of the clearing and grading of the property in preparation for construction activities, the applicant will be required to follow Stormwater BMPs and any additional standards and regulations found in the Western Washington Stormwater Manual.

SEPA Checklist

A Mitigated Determination of Non-Significance (MDNS) was issued by the Director on March 2, 2020 for the project (see Attachment 3). At the writing of this staff report, no appeals were filed. With the mitigation measures described in the determination, all of the anticipated environmental impacts from the proposed subdivision project will be mitigated to a level of non-significance. The mitigation measures are included as a list of conditions as follows:

1. Grading, land clearing, and other site work shall be in accordance with OHMC 12.30 and 19.47 and commence only after the Preliminary Plat and Clearing and Grading plans have been approved.
2. A truck route plan, indicating times of day and days of the week shall be submitted for review and approval by the City Engineer. Peak traffic hours during the A.M. (±7:00 – 9:00) and P.M. (±4:00 – 6:00) are to be avoided.
3. A temporary storm drainage plan shall be approved by the City prior to commencing the land clearing process. Downstream and off-site stormwater capacity improvements must be constructed prior to on-site grading activity.
4. Earthwork shall be limited to the dry summer months of May through October. Exceptions may be granted by the City Engineer and/or the Public Works Director. Temporary erosion control measures shall be implemented immediately to protect any exposed soils during wet weather events that may occur during the specified construction window of May through early October.
5. A detailed erosion control plan is required. Specific emphasis shall be placed on the construction entrance and the protection of existing streets, drainage systems and downstream properties. The project is required to meet the standards of the 2012/2014 Washington DOE Stormwater Manual.
6. An NPDES Construction General Permit is required to be in effect at the start of any clearing and grading activities.

7. Site development shall comply with the recommendations of the project geotechnical reports. A professional Geotechnical Engineer registered in the State of Washington shall supervise cut and fill and construction activities during plat development and review the plans after final grades are established to ensure compliance with the geotechnical report recommendations. Placement of native soils as structural fill under proposed roadways or building foundations must be observed and tested under the direction of the Geotechnical Engineer. The Geotechnical Engineer shall then provide certification to the City Engineer proof of compliance with the geotechnical report recommendations.
8. A landscape plan meeting the standards of the OHMC sections 19.46 and 19.31 shall be submitted and approved before any clearing, grading or construction begins on the site. The landscape plan shall account for Heritage Way requirements along the SR 20 frontage.
9. Work hours are limited to weekdays between 7:00 AM and 9:00 PM by OHMC 6.56.030(h). Any work outside the time outlined in that section must be approved in advance by the Building Official.
10. A statement is to be included on the recorded plat and in the CC&Rs that the City is not responsible for the maintenance, cleaning, snow removal or repairs to private streets, driveways, curbs and sidewalks within the subdivision. A sign posted near each entrance of the subdivision stating this information shall be provided as well.
11. Homeowners shall be advised in the CC&Rs that refuse containers are to be located in a manner that is accessible to collection trucks. Failure to abide by this condition may result in refuse not being collected, or the imposition of a return trip fee.
12. The exterior design of homes constructed within the subdivision are reviewed with this PRD submittal as shown against the standards of OHMC 19.31. Bare concrete walls shall be minimized or designed to be architecturally compatible with the homes and approved as part of the overall design of the homes themselves.
13. The applicant shall install city-approved streetlights in appropriate locations on both public right of way as well as the private streets within the subdivision in accordance with City standards for reduction of light pollution and glare.
14. The applicant shall sign a copy of the City's Inadvertent Discovery Plan (IDP) and make a copy of the IDP available onsite during construction.
15. The applicant shall abide by the conditions of approval set forth by DAHP for mitigation of site 45IS00370 and any other measures set forth by that agency.
16. Transportation and park impact fees shall be paid before building permits are issued per the standards of OHMC 3.63.020.

*No further action regarding the SEPA determination is required.*

REVIEW PROCESS SUMMARY

The Oak Harbor Municipal Code details the process by which a subdivision is approved. This staff report and supporting documents are designed to assist the City in making a decision that is rooted in Oak Harbor municipal requirements as well as State statute. The decision process includes the staff review of the application, preparation and presentation of the staff report, a public hearing and subsequent decision. As outlined in OHMC 21.20.080, the effect of an approval is as follows:

1. The applicant may develop construction plans for the proposed improvements, based in "strict conformance with the approved preliminary plat, street and utility standards adopted by the city, and any special conditions required by the council."

2. The construction of said improvements are not to begin until all plans have been approved in writing by the City Engineer.

In plain language, the plans submitted for review and approval must meet the City's adopted standards, because if approved, the applicant is authorized to develop the construction plans *based on those plans approved by the City.*

CONCLUSION

Based on the information provided by the Applicant and the thorough review and analysis conducted through the application process, staff finds the Applicant has sufficiently addressed the requirements of the OHMC relating to the following applications, subject to the conditions of approval shown in Attachment C.

- Preliminary Plat (PPL-18-01)
- Preliminary PRD Plan (PLN-18-30)
- Landscape Plan (PLN-18-29)
- Land Clearing Plan (LND-18-02)
- Transportation Concurrency (TRC-18-21)

**LEGAL NOTICE – (see Attachment 4)**
A Notice of Application and notice to neighboring property owners were mailed and posted on December 19, 2018. The Notice of Public Hearing for the Preliminary Plat, PRD and associated permits was posted on site, at City Hall and online, and mailed to adjacent property owners on March 6, 2020 and published in the Whidbey News Times on March 7, 2020.

**PUBLIC COMMENTS**
Public comments are available in Attachment 5.

**RECOMMENDED ACTION**
Staff recommends that the Hearing Examiner conduct the public hearing and approve the above—referenced applications subject to the following conditions of approval:

CONDITIONS OF APPROVAL
HILLSIDE PRELIMINARY PLAT AND PRD
PRD, PRELIMINARY PLAT AND ASSOCIATED PERMITS

Preliminary Plat

1. The applicant's architectural designs, landscape plans, land clearing plans, grading plans, and final plat drawing shall be in general conformance with the approved PRD and preliminary plat drawings entitled "Hillside Planned Residential Development," and dated August 22, 2019.

2. Applicant shall coordinate with the United States Postal Service for approval of mailbox location(s).

Preliminary PRD

3. The permissive variations and subdivision waivers requested are approved as follows:
   a. OHMC 19.20.105 and 19.20.200: The applicant is requesting a permissive variation to allow for the construction of single-family homes in the R-4 portion of the project site. OHMC 19.31.090(3)(b) allows for averaging of a PRD project density when the site is split between two zones, and the applicant has proposed a unit count that meets the minimum and maximum criteria when the zone district densities are calculated.

   b. OHMC 19.20.120(2): The applicant requests a variation from the minimum lot size of 7,200 square feet. Proposed lots within the subdivision range between 2,300 and 11,644 square feet.

   c. OHMC 19.20.120(3): A request to vary from the minimum lot width of 60 or 72 feet depending on the zone district. Related to the minimum lot size request, lot widths range from 26 to 78 feet.

   d. OHMC 19.20.120(4): The minimum lot depth of 90 feet in the R-1 and R-4 zone districts is requested to be varied from to allow for lots down to 80 feet in depth.

   e. OHMC 19.20.120(5): The applicant requests a reduction in the front yard setback from the standard of 20 feet down to 12 feet from the road to the building face.

   f. OHMC 19.20.120(6): A request for minimum side yard setbacks of 3 feet rather than the typical 5/12 foot required in the R-1 zone district and 5/20 feet in the R-4 district

   g. OHMC 19.20.120(7): The minimum rear yard setback is requested to be reduced to 5 feet.

   h. OHMC 19.20.120(9): Individual building lots may exceed the 35% and 45% lot coverage standard for the R-1 and R-4 zone districts, respectively. As noted in the plans dated August 22, 2019, the total site includes 29% lot coverage overall. Because the project was conceived as a whole and is in compliance with current stormwater standards, individual lots shall be limited to the above-referenced setbacks to ensure that the site does not become non-compliant with these standards.

   i. OHMC 21.50.100(1) and (2): Dimensional standards regarding lot sizes reflected in the underlying zone district as noted above.

**j.** OHMC 21.50.100(6): The applicant requests a variation from the requirement that side and rear lot lines be straight or composed of straight-line elements.

**k.** 21.50.060(1): The applicant is requesting a variation to the standard that each lot in a subdivision have access to a public street or road. As proposed, all subdivision lots are served by an internal network of private roadways.

**l.** 21.60.040: Variation to allow that all lots be in-facing to the subdivision streets rather than two-tiered blocks.

**m.** 21.60.050: Maximum block length to be in general conformance with the plans dated August 22, 2019 with mid-block pedestrian trails through common open space provided to mitigate the block length.

**n.** 21.60.100: Variation to allow for streets not to be in a gridded pattern to conform to the topography.

**o.** 21.60.120: Allow for access to individual lots via private streets and driveways located within easements.

**p.** 21.60.130(1)(d): Private streets longer than 400 feet in length, in general conformance with the plans submitted on August 22, 2019.

**q.** 21.60.130(3) and (4): Relief from the maximum number of homes that may be accessed by a private street to allow for all homes in the subdivision up to a total of 192 to be served by a network of private streets in general conformance with the plans dated August 22, 2019.

**r.** 21.60.080: Subdivision waiver to allow for alternative local residential street designs which do not contain all of the essential elements listed in OHMC, in general conformance with the plans submitted on August 22, 2019 that include sidewalks on one side, reduced on-street parking, no park strip or other landscaping and 10-foot travel lanes in a 27-foot wide cross-section.

4. As a mitigation measure for permissive variations, front yard setbacks for homes shall meet the standard of OHMC 19.20.120(3)(d), which requires that "no two adjacent buildings on the same side of the street may have the same front setbacks. Setbacks must alternate from building to building. Minimum front setback variation must be two feet or greater." The applicant shall submit a revised site plan demonstrating compliance with this requirement prior to City approval of civil plans.

5. Driveway length shall be at least 20 feet from the building to the sidewalk or roadway for all homes.

6. Home designs and materials shall be as presented in plans dated March 6, 2020 with the exception of the side façade of end units. Those elevations shall include additional material variation as required on front facades due to their increased visibility. Revisions shall be submitted to staff before approval of any building permits for homes on the site.

7. Any future additions to existing homes shall be limited to the existing footprint to maintain compliance with existing stormwater regulations and prevent excess stormwater runoff. This requirement shall be placed on the recorded plat and within the CC&Rs.

8. Minor alterations of home plans approved as a part of the Hillside Development Center PRD may be approved by the Director.

9. The exterior design of homes constructed within the subdivision are reviewed with this PRD submittal as shown against the standards of OHMC 19.31. Because of the nature of the site and the concept of the applicant to incorporate retaining walls with the construction of the homes, bare concrete walls shall be minimized or designed to be architecturally compatible with the homes. Compatible design shall include appropriate pattern applied to the concrete, or similar finish materials to the adjacent homes. Plans shall be submitted to staff and approved before issuance of civil plan permits.

Landscaping

10. The landscape plan shall account for Heritage Way requirements along the SR 20 frontage. The applicant shall receive proper approval from Washington DOT for Heritage Way standards and any work within the right-of-way. Additional detail showing the Heritage Way requirements shall be submitted before civil plan approval.

11. The applicant shall post a three-year maintenance bond to ensure landscaping completion and a minimum plant survival of 80 percent at the end of three years. The type of bond shall be approved by the City and must be submitted on forms supplied by the City of Oak Harbor. The approved bond shall be posted with the Development Services Department prior to the issuance of a building permit. The bond amount shall be 150 percent of a landscaping maintenance bid amount submitted and approved by the City. The bid amount must include labor and materials.

12. Any signage proposed for the subdivision is not approved with the Preliminary Plat and PRD. A separate sign permit shall be required and approved before any permanent signage including subdivision identification, is placed.

Clearing and Grading Plan

13. All BMPs shall be followed during clearing and grading of the property, and during the duration of the project as required by the approved civil drawings.

Plat Drawing

14. Prior to approval of final plat, the applicant is required to submit a copy of all proposed deed restrictions and covenants.

15. The applicant shall include dedication language on the face of the final plat as stated in OHMC 21.40.040.

Engineering

16. Following approval of the preliminary plat by the city, the subdivider shall submit to the city engineer the applicable plans and other documents, and review fees as set out in Title 21 and the city's fee schedule, and three complete sets of construction plans and specifications (sheet size 22 inches by 34 inches) prepared by an engineer registered in the state of Washington showing all improvements as required by the city council in

granting the preliminary plat. Such plans must be submitted and approved by the city engineer prior to beginning any grading work on the site. OHMC 21.30.020(1)

**17.** All construction plans and specifications shall be in conformance with the city street and utility standards, as may be modified by this approval. The subdivider shall indicate, either on the plans or by separate document, the engineer retained to provide certification of all improvements. Approval shall expire five years from the date of initial preliminary plat approval. OHMC 21.30.020(2)

**18.** A performance bond in the amount of 112 percent of the cost to construct required and uninstalled improvements may be posted in lieu of the complete installation of improvements; provided, that such bond is recommended by the city engineer. All deferred improvements shall be completed within two years from the date a bond has been accepted or the city will use securities to complete. The performance bond shall specify exactly what improvements are included, accompanied by a time schedule for completion. In lieu of the performance bond, the developer may provide for other security approved by the city council at the next regularly scheduled council meeting following the city engineer's approval of construction plans. OHMC 21.30.020(3)(c)

**19.** Before acceptance of the improvements by the city, a maintenance bond or other security acceptable to the city shall be posted by the developer jointly obligating the developer, or some other party acceptable to the city, and a security, acceptable to the city, guaranteeing these improvements from any defects caused by faulty workmanship, materials or design or combination thereof for a period of two years from the date of written acceptance of the improvements. The amount of bond or other security requested shall be determined by the city engineer, but in no event shall the amount be less than 10 percent of the cost of the improvements. OHMC 21.30.020(3)(f)

**20.** Stormwater facilities are subject to final civil and construction plan review and may be subject to revisions based on submitted calculations and sizing of said facilities.

**21.** Rolled curb for the private road section shall be an ADA compliant mountable curb.

SEPA MDNS

**22.** Grading, land clearing, and other site work shall be in accordance with OHMC 12.30 and 19.47 and commence only after the Preliminary Plat and Clearing and Grading plans have been approved.

**23.** A truck route plan, indicating times of day and days of the week shall be submitted for review and approval by the City Engineer. Peak traffic hours during the A.M. (±7:00 – 9:00) and P.M. (±4:00 – 6:00) are to be avoided.

**24.** A temporary storm drainage plan shall be approved by the City prior to commencing the land clearing process. Downstream and off-site stormwater capacity improvements must be constructed prior to on-site grading activity.

**25.** Earthwork shall be limited to the dry summer months of May through October. Exceptions may be granted by the City Engineer and/or the Public Works Director. Temporary erosion control measures shall be implemented immediately to protect any

exposed soils during wet weather events that may occur during the specified construction window of May through early October.

**26.** A detailed erosion control plan is required. Specific emphasis shall be placed on the construction entrance and the protection of existing streets, drainage systems and downstream properties. The project is required to meet the standards of the 2012/2014 Washington DOE Stormwater Manual.

**27.** An NPDES Construction General Permit is required to be in effect at the start of any clearing and grading activities.

**28.** Site development shall comply with the recommendations of the project geotechnical reports. A professional Geotechnical Engineer registered in the State of Washington shall supervise cut and fill and construction activities during plat development and review the plans after final grades are established to ensure compliance with the geotechnical report recommendations. Placement of native soils as structural fill under proposed roadways or building foundations must be observed and tested under the direction of the Geotechnical Engineer. The Geotechnical Engineer shall then provide certification to the City Engineer proof of compliance with the geotechnical report recommendations.

**29.** A landscape plan meeting the standards of the OHMC sections 19.46 and 19.31 shall be submitted and approved before any clearing, grading or construction begins on the site. The landscape plan shall account for Heritage Way requirements along the SR 20 frontage.

**30.** Work hours are limited to weekdays between 7:00 AM and 9:00 PM by OHMC 6.56.030(h). Any work outside the time outlined in that section must be approved in advance by the Building Official.

**31.** A statement is to be included on the recorded plat and in the CC&Rs that the City is not responsible for the maintenance, cleaning, snow removal or repairs to private streets, driveways, curbs and sidewalks within the subdivision. A sign posted near each entrance of the subdivision stating this information shall be provided as well.

**32.** Homeowners shall be advised in the CC&Rs that refuse containers are to be located in a manner that is accessible to collection trucks. Failure to abide by this condition may result in refuse not being collected, or the imposition of a return trip fee.

**33.** The exterior design of homes constructed within the subdivision will be reviewed and approved per the standards of OHMC 19.31. Bare concrete walls shall be minimized or designed to be architecturally compatible with the homes and approved as part of the overall design of the homes themselves.

**34.** The applicant shall install city-approved streetlights in appropriate locations on both public right of way as well as the private streets within the subdivision in accordance with City standards for reduction of light pollution and glare.

**35.** The applicant shall sign a copy of the City's Inadvertent Discovery Plan (IDP) and make a copy of the IDP available onsite during construction.

36. The applicant shall abide by the conditions of approval set forth by DAHP for mitigation of site 45IS00370 and any other measures set forth by that agency.

37. Transportation and park impact fees shall be paid before building permits are issued per the standards of OHMC 3.63.020.

06/19/2020 01:51:39 PM 4469270
Recording Fee 104.50 Page 1 of 2
Warranty Deed
Erecorded in Island County, WA

**AFTER RECORDING MAIL TO:**

**Scott B. Thompson , President**
**791 SE Barrington Drive**
**Oak Harbor, WA 98277**

**Filed for Record at Request of:**
**Land Title & Escrow of Island County**
**Escrow No.: 03-168352-OE**

# Statutory Warranty Deed

**Grantor(s): Maple Hill Investment, LLC, a Washington Limited Liability Company**
**Grantee(s): Pacific North Group, Inc., a Washington Corporation**
**Abbreviated Legal:**
**Ptn Freund DLC, Sec 3-32N-R1 EWM**

**Assessor's Tax Parcel Number(s): R13203-100-3510, R13203-118-3940, R13203-180-3781, R13203-237-3701, R13203-248-3931, R13203-180-3783**

**THE GRANTOR Maple Hill Investment, LLC, a Washington Limited Liability Company** for and in consideration of Ten and No/100 Dollars and other valuable consideration in hand paid, conveys and warrants to **Pacific North Group, Inc., a Washington Corporation** the following described real estate, situated in the County of **Island**, State of **Washington.**

**For Full Legal See Attached Exhibit "A"**

Subject to all covenants, conditions, restrictions, reservations, agreements and easements of record including, but not limited to, those shown on Schedule "B-1" of Land Title Company's Preliminary Commitment No. 03-168352-OE.

Dated June 15, 2020

Maple Hill Investment, LLC

By: Carl R. Freund, Managing Member

REAL ESTATE EXCISE TAX
Excise Number 43436
06/19/2020
Amount Paid $24025.00
Wanda Grone, CPA
Island County Treasurer

STATE OF Washington }
COUNTY OF Island } SS:

I certify that I know or have satisfactory evidence that Carl R. Freund is the person(s) who appeared before me, and said person(s) acknowledge he signed this instrument, on oath stated he is authorized to execute the instrument and acknowledge that as the Managing Member of Maple Hill Investment, LLC to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: June 15, 2020

PATRICIA C. FAKKEMA NOTARY PUBLIC STATE OF WASHINGTON Commission # 20000 APPOINTMENT EXPIRES JANUARY 12, 2023

Patricia C Fakkema
Notary Public in and for the State of Washington
Residing Island County
My appointment expires: 1/12/2023

LPB 10-05(i-l)
Page 1 of 2

# EXHIBIT A

**That portion of the Ulrich Freund Donation Land Claim in Section 3, Township 32 North, Range 1 East of the Willamette Meridian lying Southerly and Easterly of SW Barrington Drive right of way as shown on the face of the Plat of Barrington Heights, Div. No. 1 as recorded March 20, 2007 under Auditor's File No. 4197228 and Plat of Barrington Heights, Div. No. 2 as recorded March 3, 2008 under Auditor's File No. 4223159, Westerly of SW Erie Street right of way as shown on City of Oak Harbor Binding Site Plan No. BSP 2-95 as recorded June 5, 1998 under Auditor's File No. 98011351 and as amended by City of Oak Harbor Amended Binding Site Plan No. BSP 98-1 as recorded December 22, 1998 under Auditor's File No. 98027823 and Northerly of State Route 20 as it existed on July 2, 2018.**

**Situate in the County of Island, State of Washington.**

NW 1/4, SW 1/4, SE 1/4, SEC 3, TWN 32 N, RGE 1 E, W.M., CITY OF OAK HARBOR, ISLAND COUNTY, WASHINGTON

# HILLSIDE PRD

## PRELIMINARY PLANS

### SURVEY INFORMATION

### LEGAL DESCRIPTION

**LAND TITLE AND ESCROW**
**ORDER NO. 03-168352-OE**
**EFFECTIVE DATE: JULY 2, 2018**

**PARCEL A:**
THAT PORTION OF THE ULRICH FREUND DONATION LAND CLAIM IN SECTION 3, TOWNSHIP 32 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN LYING SOUTHERLY AND EASTERLY OF SW BARRINGTON DRIVE, RIGHT OF WAY AS SHOWN ON THE FACE OF THE PLAT OF BARRINGTON HEIGHTS, DIV. NO. 1 AS RECORDED MARCH 20, 2007 UNDER AUDITOR'S FILE NO. 4197228 AND PLAT OF BARRINGTON HEIGHTS, DIV. NO. 2 AS RECORDED MARCH 3, 2008 UNDER AUDITOR'S FILE NO. 4223159, WESTERLY OF SW ERIE STREET RIGHT OF WAY AS SHOWN ON CITY OF OAK HARBOR BINDING SITE PLAN NO. BSP 7-95 AS RECORDED JUNE 5, 1998 UNDER AUDITOR'S FILE NO. 98011351 AND AS AMENDED BY CITY OF OAK HARBOR AMENDED BINDING SITE PLAN NO. BSP 98-1 AS RECORDED DECEMBER 22, 1998 UNDER AUDITOR'S FILE NO. 98027823 AND NORTHERLY OF STATE ROUTE 20 AS IT EXISTED ON JULY 2, 2018. SITUATE IN THE COUNTY OF ISLAND, STATE OF WASHINGTON.

### TITLE REPORT SPECIAL EXCEPTIONS FROM SCHEDULE "B" AS LISTED

LAND TITLE AND ESCROW
ORDER NO. 03-168352-OE
EFFECTIVE DATE: JULY 2, 2018

AFFECTS PARCEL A:

1. SUBJECT TO AN EASEMENT FOR HIGHWAY SLOPE AS RECORDED MAY 13, 1977 UNDER AUDITOR'S FILE NO. 313615.
2. SUBJECT TO POSSESSION AND USE AGREEMENT WITH THE STATE OF WASHINGTON AS RECORDED JULY 29, 1977 UNDER AUDITOR'S FILE NO. 317301.
3. SUBJECT TO POSSESSION AND USE AGREEMENT WITH THE STATE OF WASHINGTON AS RECORDED JULY 29, 1977 UNDER AUDITOR'S FILE NO. 317513.
4. SUBJECT TO AN EASEMENT FOR HIGHWAY SLOPE AS RECORDED SEPTEMBER 1, 1977 UNDER AUDITOR'S FILE NO. 318245.
5. SUBJECT TO AN EASEMENTS, RESTRICTIONS AND RECITAL SET FORTH ON THE FACE OF AND/OR CONTAINED WITHIN SHORT PLAT S-88 RECORDED NOVEMBER 10, 1988 UNDER ISLAND COUNTY AUDITOR'S FILE NO. 88014275.
6. SUBJECT TO A SLOPE EASEMENT AND THE TERMS AND CONDITIONS CONTAINED THEREIN AS RECORDED APRIL 2, 1998 UNDER AUDITOR'S FILE NO. 98006377.
7. SUBJECT TO MATTERS DISCLOSED BY CITY OF OAK HARBOR BINDING SITE PLAN NO. BSP 2-95 AND AMENDED BY BINDING SITE PLAN 98-1 RECORDED JUNE 5, 1998 AND DECEMBER 22, 1998 UNDER RECORDING NO. 98011351 AND 98027823.
8. SUBJECT TO AN EASEMENT AGREEMENT WITH THE CITY OF OAK HARBOR INCLUDING THE TERMS AND CONDITIONS CONTAINED THEREIN AS RECORDED JUNE 12, 2006 UNDER AUDITOR'S FILE NO. 4173087.
9. SUBJECT TO AN EASEMENT, INCLUDING THE TERMS AND CONDITIONS THEREOF, RECORDED ON JANUARY 29, 2007, UNDER RECORDING NUMBER 4192830, IN FAVOR OF PUGET SOUND POWER & LIGHT COMPANY FOR THE PURPOSE OF ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE.
10. SUBJECT TO AN EASEMENT, INCLUDING THE TERMS AND CONDITIONS THEREOF, RECORDED ON JANUARY 29, 2007, UNDER RECORDING NUMBER 4192831, IN FAVOR OF PUGET SOUND POWER & LIGHT COMPANY FOR THE PURPOSE OF ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE.
11. SUBJECT TO A 10 FOOT UTILITY EASEMENT ALONG SW BARRINGTON DRIVE AS FULLY SET FORTH ON THE FACE OF THE PLAT OF BARRINGTON HEIGHTS, DIVISION NO. 1 AS RECORDED MARCH 20, 2007 IN VOLUME 13 OF PLATS, PAGES 327-329 UNDER AUDITOR'S FILE NO. 4197229.
12. SUBJECT TO DECLARATION OF RESTRICTIVE COVENANT AS RECORDED APRIL 10, 2017 UNDER AUDITOR'S FILE NO. 4420366.
13. SUBJECT TO DECLARATION OF RESTRICTIVE COVENANT AS RECORDED MARCH 22, 2018 UNDER AUDITOR'S FILE NO. 4441238.

### VERTICAL DATUM

NORTH AMERICAN VERTICAL DATUM-1988

### HORIZONTAL DATUM:

NAD 83/91
WASHINGTON STATE COORDINATES-NORTH ZONE

### SITE BENCHMARK

**PROJECT BENCHMARK: (NORTH AMERICAN VERTICAL DATUM-1988)**
FOUND CAST ALUMINUM SURFACE MONUMENT WITH 3" BRASS DISK AND PUNCHED "THATCHER & MORRISON INC, LS 28414" (JUNE 2018) AT INTERSECTION OF SW FLEET STEET & SW BARRINGTON DRIVE.
FOUND ELEVATION = 98.39 FEET

### BASIS OF BEARING

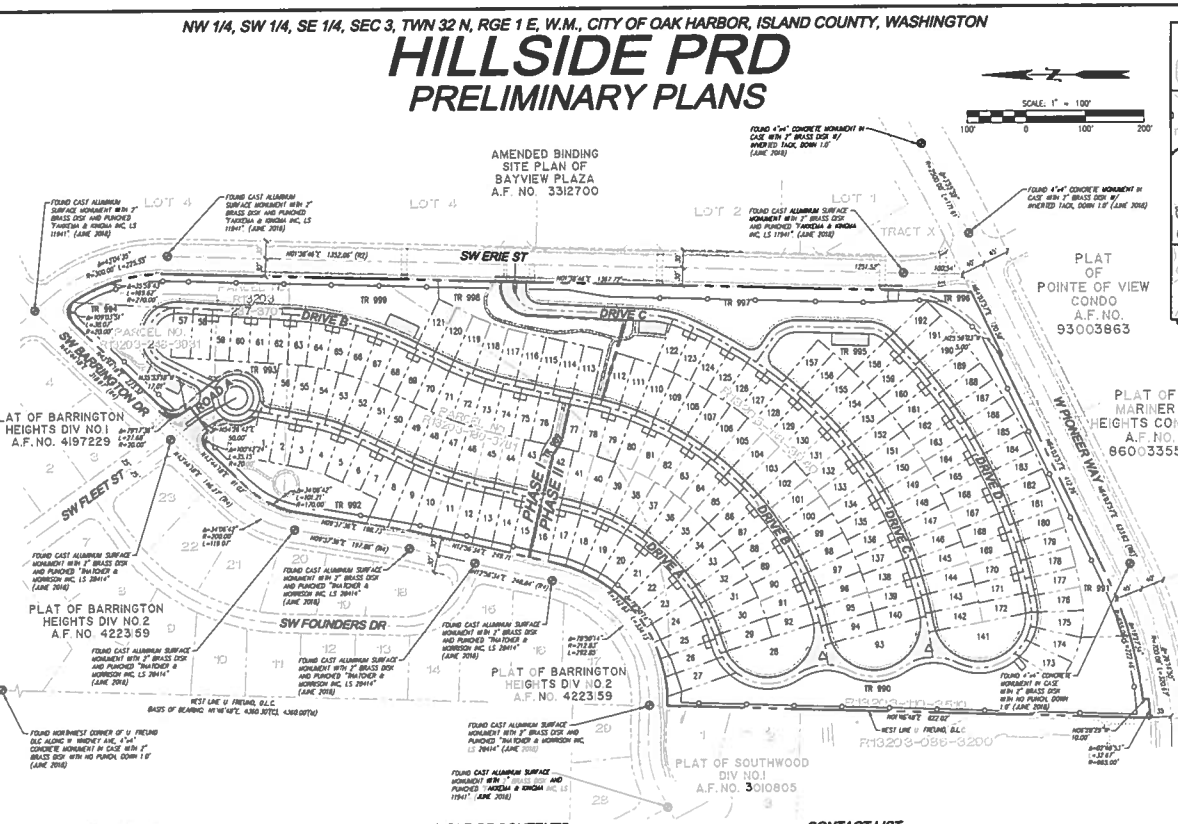
NAD83/91 FROM GPS OBSERVATION
MONUMENTED WEST LINE OF ULRICH FREUND DONATION CLAIM LAND IN SECTION 3, TOWNSHIP 32 NORTH, RANGE 1 E. (BEARING = N 1°46'46" E)

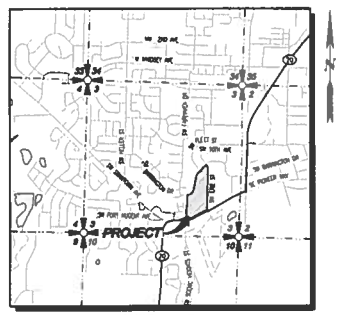
### REFERENCES

(R1) CITY OF OAK HARBOR BAYVIEW PLAZA BINDING SITE PLAN NO. BSP 2-95 A.F. NO. 98011351
(R2) AMENDED CITY OF OAK HARBOR BAYVIEW PLAZA BINDING SITE PLAN NO. BSP 98-1, A.F. NO. 98027823
(R3) PLAT OF SOUTHWOOD DIV. NO.1 A.F. NO. 3010805
(R4) PLAT OF BARRINGTON HEIGHTS DIV. NO.2 A.F. NO. 4223159
(R5) PLAT OF BARRINGTON HEIGHTS DIV. NO.1 A.F. NO. 4197229
(R6) WSDOT SR-20 RIGHT THE WAY PLAN STATION 23+28.95 TO STATION 43+30.03 UNDER SR-20 PLAN, PAGE 268
(R7) SHORT PLAT NO. 5-88 A.F. NO. 8075647
(R8) PLAT OF BROAD VIEW ADDITION DIV. NO.2 A.F. NO. 3997935
(R9) PLAT OF BROAD VIEW ADDITION DIV NO.3 A.F. NO. 3997915
(R10) PLAT OF BROAD VIEW ADDITION DIV NO.5 A.F. NO. 3998066
(R11) PLAT OF ENTERPRISE ADDITION A.F. NO. 3999138

### EQUIPMENT & PROCEDURES

METHOD OF SURVEY:
SURVEY PERFORMED BY FIELD TRAVERSE
INSTRUMENTATION:
LEICA MS-50 ROBOTIC TOTAL STATION WITH DATA COLLECTOR AND LEICA CS-16 GPS MAINTAINED IN ADJUSTMENT TO MANUFACTURES SPECIFICATIONS AS REQUIRED BY WAC 332-130-100
PRECISION:
MEETS OR EXCEEDS STATE STANDARDS WAC 332-130-090




### VICINITY MAP

SCALE: 1"=2000'

### LEGEND AND ABBREVIATIONS

**EXISTING SYMBOLS**

| SYMBOL | DESCRIPTION |
|---|---|
| | SECTION CORNER |
| | SECTION QTR CORNER |
| | MONUMENT IN CASE |
| | SCI 1/2"x24" REBAR W/CAP STAMPED "PCS 37536" |
| | EXISTING REBAR & CAP, AS NOTED |
| | SIGN POST |
| | MAILBOX |
| | CATCH BASIN |
| | STORM MANHOLE |
| | CULVERT |
| | ELECTRIC MANHOLE |
| | FIRE HYDRANT |
| | WATER VALVE |
| | WATER METER |
| | IRRIGATION CONTROL VALVE |
| | GAS VALVE |
| | GAS METER |
| | GUY ANCHOR |
| | UTILITY/POWER POLE |
| | POWER VAULT |
| | TELEPHONE MANHOLE |
| | TELEPHONE RISE |
| | TELEPHONE VAULT |
| | SANITARY SEWER MANHOLE |
| | CONIFEROUS TREE |
| | DECIDUOUS TREE |
| | METAL FENCING |
| | GAS PAINT MARK |
| | TELEPHONE PAINT MARK |
| | POWER PAINT MARK |
| | WATER PAINT MARK |
| | SEWER PAINT MARK |
| | UNDERGROUND POWER |

**PROPOSED STORM SYMBOLS**

| SYMBOL | DESCRIPTION |
|---|---|
| | SD CAP |
| | TYPE 1 CATCH BASIN, GRATED LID |
| | TYPE 1 CATCH BASIN, SOLID LID |
| | TYPE 2 CATCH BASIN, GRATED LID |
| | TYPE 2 CATCH BASIN, SOLID LID |
| | BEEHIVE MANHOLE COVER |
| | SQUARE YARD DRAIN |
| | ROUND YARD DRAIN |
| | STORM CLEAN OUT |
| | STORM PIPE |

**ABBREVIATIONS**

| | |
|---|---|
| CB | CATCH BASIN |
| ℄ | CENTERLINE |
| CMP | CORRUGATED METAL PIPE |
| CP | CONCRETE PIPE |
| EL | ELEVATION |
| EXIST. | EXISTING |
| ℄ | FLOWLINE |
| HE | INVERT ELEVATION |
| HDPE | LINED CORRUGATED POLYETHYLENE PIPE |
| ℄ | PROPERTY LINE |
| PP | POWER POLE |
| PVC | POLYVINYL CHLORIDE PIPE |
| R/W | RIGHT-OF-WAY |
| STA | STATION |
| SD | STORM DRAIN |
| SS | SANITARY SEWER |
| SSMH | SANITARY SEWER MANHOLE |
| SWPE | SOLID WALL POLYETHYLENE PIPE |
| TYP | TYPICAL |
| TBR | TO BE REMOVED |

**PROPOSED WATER SYMBOLS**

| SYMBOL | DESCRIPTION |
|---|---|
| | WATER CAP |
| | CONCRETE BLOCKING |
| | BUTTERFLY VALVE |
| | 11° BEND |
| | 45° BEND |
| | 90° BEND |
| | 22° BEND |
| | VALVE |
| | HYDRANT ASSEMBLY |
| | BLOW-OFF VALVE |
| | REDUCER |
| | AIR-VAC ASSEMBLY |
| | WATER METER |
| | WATER PIPE |

**PROPOSED SEWER SYMBOLS**

| SYMBOL | DESCRIPTION |
|---|---|
| | SEWER CAP |
| | SEWER CLEANOUT |
| | SEWER MANHOLE |
| | SEWER PIPE |

### PROJECT INFORMATION

| | |
|---|---|
| TAX PARCELS: | R13203-248-3931, R13203-237-3701, R13203-180-3781, R13203-118-3940, R13203-110-3510 |
| SITE ADDRESS: | 31141 SR 20 OAK HARBOR, WA 98277 |
| SITE AREA: | 875,963 SF 20.11 AC |
| CURRENT ZONING: | R-1, R-4 |
| PROPOSED ZONING: | R-1, R-4 |
| PROPOSED LAND USE: | RESIDENTIAL |
| PROPOSED LOTS: | 192* |
| WATER: | CITY OF OAK HARBOR |
| SEWER: | CITY OF OAK HARBOR |
| POWER: | PUGET SOUND ENERGY |
| GAS: | CASCADE NATURAL GAS |
| TELEPHONE: | WAVE |
| CABLE: | COMCAST |
| SCHOOL DISTRICT: | OAK HARBOR PUBLIC SCHOOLS |
| FIRE DISTRICT: | OAK HARBOR FIRE DEPARTMENT |
| SETBACKS: | |
| FRONT: | 10' |
| GARAGE: | 20' |
| SIDE: | 3' |
| REAR: | 10' |
| OPEN SPACE: | 27,284 SF |
| NATIVE OPEN SPACE: | 166,246 SF |
| ACTIVE OPEN SPACE: | 63,915 SF |
| TOTAL OPEN SPACE: | 256,445 SF (29.27% OF GROSS SITE AREA) |
| GUEST PARKING COUNT: | 64 STALLS (1 GUEST STALL PER 3 UNITS) |

*NUMBER OF UNITS MAY BE REDUCED TO 173 BASED ON MARKET CONDITIONS

### BLOCK LENGTH TABLE

| DRIVE NAME | BLOCK # | BLOCK LENGTH | BEGIN STA | END STA |
|---|---|---|---|---|
| DRIVE A* | 1 | 974 FT | 0+18.77 | 9+92.42 |
| DRIVE B* | 2 | 1,341 FT | 2+34.65 | 13+75.80 |
| DRIVE C | 3 | 788 FT | 2+41.21 | 10+29.39 |
| DRIVE D | 4 | 615 FT | 14+94.65 | 21+08.48 |

*PEDESTRIAN CONNECTION MID BLOCK

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| 1 | COVER SHEET |
| 2-3 | EXISTING CONDITIONS MAP |
| 4-5 | PRELIMINARY TESC PLAN |
| 6-7 | PRELIMINARY HORIZONTAL CONTROL PLAN |
| 8 | LINE AND CURVE TABLE |
| 9-10 | PRELIMINARY SITE PLAN |
| 11-12 | PRELIMINARY ROAD AND GRADING PLAN |
| 13-18 | PRELIMINARY ROAD PROFILES |
| 19 | PRELIMINARY SITE SECTIONS |
| 20 | PRELIMINARY ROAD SECTIONS |
| 21-22 | PRELIMINARY COMPOSITE UTILITY PLAN |
| L-1-L-12 | PRELIMINARY LANDSCAPE PLANS |


### EARTHWORK QUANTITIES

CUT: 147,610 CY
FILL: 147,610 CY
NET: 0 CY
DISTURBED AREA: 902,852 SF (20.73 AC)

### CONTACT LIST


**OWNER/APPLICANT:**
WRIGHTS CROSSING, LLC.
31101 SR 20, UNIT B
OAK HARBOR, WA 98277
CONTACT: SCOTT B. THOMPSON
PHONE: (360) 499-4221
EMAIL: scott@wrightscrossing.com

**CIVIL ENGINEER:**
LDC, INC.
20210 142ND AVE NE
WOODINVILLE, WASHINGTON 98072
CONTACT: MARK VILLWOCK, PE
PHONE: (425) 806-1869
FAX: (425) 482-2893
EMAIL: mvillwock@ldccorp.com

**GEOTECH:**
TERRA ASSOCIATES, INC.
1220 113 AVENUE NE, SUITE 130
KIRKLAND, WASHINGTON 98034
CONTACT: CAROLYN S DECKER, PE
PHONE: (425) 821-7777
EMAIL: cdecker@terra-associates.com

**ARCHEOLOGIST:**
ROSARIO ARCHAEOLOGY, LLC
3754 GREENVILLE STREET
BELLINGHAM, WA 98226
CONTACT: MARK HOWELAK
PHONE: (360) 756-5207
EMAIL: myhowe.rak@gmail.com

**SURVEYOR:**
LDC, INC.
20210 142ND AVE NE
WOODINVILLE, WASHINGTON 98072
CONTACT: VANCE J. TOWNSEND, PLS
PHONE: (425) 806-1869
FAX: (425) 482-2893
EMAIL: vtownsend@ldccorp.com

**LANDSCAPE ARCHITECT:**
ORION DESIGN GROUP
1031 185TH AVENUE NE
SNOHOMISH, WASHINGTON 98290
CONTACT: KRYSTAL LOWE
PHONE: (425) 344-9105
EMAIL: oriondg@gmail.com

**TRAFFIC ENGINEER:**
GIBSON TRAFFIC CONSULTANTS, INC.
2813 ROCKEFELLER AVENUE, SUITE B
EVERETT, WA 98201
CONTACT: MATTHEW PALMER, PE
PHONE: (425) 339-8266
EMAIL: matp@gibsontraffic.com


### UTILITY NOTE

THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION. AGENCIES INVOLVED SHALL BE NOTIFIED WITHIN A REASONABLE TIME PRIOR TO THE START OF CONSTRUCTION

### SURVEY DISCLAIMER

THE TOPOGRAPHIC SURVEY WAS PERFORMED BY LDC, INC. IN AUGUST 2018. ANY CHANGES TO THE SITE AFTER THIS DATE WILL NOT BE REFLECTED IN THE PLANS. ANY DISCREPANCIES FOUND BETWEEN WHAT IS SHOWN ON THE PLANS AND WHAT IS NOTED IN THE FIELD SHOULD BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE ENGINEER.

Call 2 Business Days Before You Dig
811 or 1-800-424-5555
Utilities Underground Location Center

CITY OF OAK HARBOR PLANNING & DEVELOPMENT SERVICES APPROVED FOR CONSTRUCTION

BY: _____ PLS
R/W PERMIT NO. _____
GRADING PERMIT NO. _____

| NO. | DATE | REVISIONS DESCRIPTION | BY |
|---|---|---|---|
| 1 | 5-21-19 | REVISED PER CITY COMMENTS | MEV |
| 2 | 6-21-19 | REVISED PER CITY COMMENTS | |

LDC | Surveying Engineering Planning
Woodinville
20210 142nd Avenue NE
Woodinville, WA 98072
T. 425.806.1869 www.LDCcorp.com
Bend
1157 Carolina #101
Bend, OR 97701
T. 425.482.2911

WRIGHTS CROSSING, LLC.

HILLSIDE PRD

COVER SHEET

JOB NUMBER: C18-12
DRAWING NAME: C18123F-CS-01
DESIGNER: ME
DRAFTING BY: CJ
DATE: 10-3-18
SCALE: 1"=10'
JURISDICTION: OAK HARBOR

CS-01

SHEET 1 OF 22

Drawing P:\Jobs\2018\18-123 Oak Harbor\Drawings\Preliminary\C18123F-CS-01.dwg Plotted: Aug 22, 2019 - 10:48am

## HILLSIDE PRD CHECKLIST

REVISION 2: 27 SEPT 2021

Segment plans and additional construction details required to build and terminate the Segments need to be stamped and signed by the Engineer of Record for the approved utility plans.

For each proposed segment provide drawings showing the utilities necessary to support the current construction and detail the measures necessary for the orderly expansion of the utilities. **Each item needs approval to receive Final Approval per category.**

SEGMENT: <FILL IN SEGMENT AND PHASE NUMBER>

NOTE: A new engineering checklist will be prepared for each new segment

**ENGINEER APPROVAL CHECKLIST**

☐ **WATER** **Item Approved Date:** _____

- Provide pipe capacity calculations to support fire flows for each segment.
- Show minimum hydrant locations for each segment. Segment 1 will require a minimum of two fire hydrants constructed on-site.
- Show termination details including valving and blowoffs necessary for each segment.
- Show appurtenances such as air release valves or thrust protection necessary for each segment.

Notes:

☐ **SANITARY SEWER**

- Show terminations for sewer main at manholes for each segment and connection details to expand the system.
- Show hard surface maintenance access to each structure.

Notes:

☐ **STORM DRAINAGE** **Item Approved Date:** _____

- Show termination details for each segment.
- Show access to pollution control facilities.
- Coordinate operation of pollution control facilities with construction activities.

Notes:

☐ **EROSION CONTROL** **Item Approved Date:** _____

- Show BMP's necessary to support each segment.
- Provide relocation plans and schedule for any BMP's, such as the sedimentation pond or wheel wash, to support each segment.
- Provide schedule for each segment such that TESCP measures are in place prior to any ground disturbance.
- Update Erosion Control operations and maintenance manual to support the segment approach. The general plan and NPDES requirements to build and install the TESCP prior to all Segments will remain in effect.

Notes:

☐ **STREETS** **Item Approved Date:** _____

- Provide details for each road termination including dimensions, signs and barricade placement, and interim or final grading.
- Provide details for each turnaround including truck turning dimensions and paving section detail.
- Provide specifications for restoration of each temporary turnaround.

Notes:

☐ **WALLS** **Item Approved Date:** _____

- Provide wall joint details to protect rebar and allow for the expansion of the wall.
- Show how wall drains integrate into the proposed stormwater segments and any temporary piping necessary to support the segments.

Notes:

☐ **SLOPE STABILITY AND GRADING** **Item Approved Date:** _____

- Show interim/final grading for each segment.
- Detail slopes at wall and road terminations.
- Show interim slope stability measures.
- Provide cut and fill calculations for each segment.
- Show any temporary stockpiles or cuts necessary for the segments and delinate the areas to be stabilized.

Notes:

## FINAL SEGMENT APPROVAL CHECKLIST

☐ **MODEL HOME** (***THIS APPLIES TO SEGMENT 1 ONLY***) **Item Approved Date:** _____

- Temporary erosion control facilities shall be constructed prior to model home construction. OHMC 21.100.030(3)
- A charged fire hydrant including access to the building site as determined by the fire chief or designee must be available to any lot proposed for construction of a model home prior to framing. OHMC 21.100.030(5)
- Provide a Subdivision Guarantee for Phase 1 of the Plat. OHMC 21.100.040(1)
- Provide copy of proposed Phase 1 Final Plat Map (Note: this is not Final Plat submittal). OHMC 21.100.040(3)
- Provide contractor's cost estimate to complete installation of all the on-site and off-site streets, sewer, water and stormwater improvements required to serve Segment 1. OHMC 21.100.060(4)(a)
- Once the cost estimate is reviewed and approved by City Engineer, provide 6 month Performance Bond for 150%. OHMC 21.100.060(4)(a)

Notes:

☐ **FINAL PLAT** (***THIS APPLIES ONLY TO FINAL PLAT***) **Item Approved Date:** _____

- Prior to the submission of a final plat, all streets, sidewalks, landscaping, on-site and off-site storm management and treatment facilities, utilities, monumentation, street lights, trees, retaining walls for Segment 1 shall be built to the satisfaction of the City Engineer in conformance with the developer agreement. Developer will be responsible to coordinate the inspections and testing to the satisfaction of the City Engineer and City Inspector. All exposed and disturbed soils shall be stabilized with appropriate erosion control measures. (OHMC 21.30.020(3)(a)
- Submit Final Plat application OHMC 21.40
- Provide As-built plans certified by the designing Engineer of Record for the Segment 1 improvements. OHMC 21.30.020(3)(b)
- Provide cost estimate and construction schedule for remaining unbuilt or deferred improvements in Phase 1. OHMC 21.30.020(3)(c) and OHMC 21.40.030(1)(d)
- Once Cost Estimate is approved by City Engineer, provide 2 year Performance Bond at 112% for remaining improvements. OHMC 21.30.020(3)(c)
- Provide cost to construct Segment 1 for review by the City Engineer. OHMC 21.30.020(3)(f) and OHMC 21.40.030(1)(d)
- Provide a 2-year Maintenance bond for the Segment 1 improvements. OHMC 21.30.020(3)(f)
- Provide Date Down or update to Subdivision Guarantee. (Required to be less than 90 days old at plat recording.)

Notes:

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|---|---|
| ☐ | **SEGMENT APPROVAL** ***(A NEW APPROVAL WILL BE PROCESSED FOR EACH SEGMENT)***<br>**Item Approved Date: _____**<br>• Prior to acceptance of the public and private improvements in each segment, all the public and private improvements for that segment shall be built to the satisfaction of the City Engineer in conformance to the developer agreement. Developer will be responsible to coordinate the inspections and testing to the satisfaction of the City Engineer and City Inspector. Erosion control measures for the remaining Segments shall be in place. All disturbed soils shall be stabilized. OHMC 21.30.020(3)(a)<br>• Provide As-built plans for the Segment improvements. OHMC 21.30.020(3)(b)<br>• Provide cost estimate to construct Segment and provide 2-year Maintenance Bond for each Segment improvements. OHMC 21.30.020(3)(f) and OHMC 21.40.030(1)(d)<br>• Provide an update to the construction schedule for remaining unbuilt or deferred improvements in Phase 1.<br>Notes: |
| | |

**FIRST AMENDMENT**
**DEVELOPMENT AGREEMENT**
**BY AND BETWEEN THE CITY OF OAK HARBOR**
**AND PACIFIC NORTH GROUP, INC. FOR THE**
**HILLSIDE PLANNED RESIDENTIAL DEVELOPMENT**

This First Amendment amends the Development Agreement by and between the City of Oak Harbor and Pacific North Group, Inc. for the Hillside Planned Residential Development ("Agreement") entered into between the City of Oak Harbor, a noncharter, optional code Washington municipal corporation ("City"), and Pacific Group North Inc., a Washington for profit corporation ("Developer") on or about November 4, 2021.

**WHEREAS,** the Washington State Legislature has authorized the execution of a development agreement between a local government and a person having ownership or control of real property within its jurisdiction (RCW 36.70B.170(1)); and

**WHEREAS,** a development agreement must set forth the development standards and other provisions that shall apply to, govern, and vest the development, use and mitigation of the real property for the duration specified in the agreement (RCW 36.70B.170(1)); and

**WHEREAS,** a development agreement must be consistent with the applicable development regulations adopted by local government planning under chapter the Growth Management Act (RCW 36.70B.170(1)); and

**WHEREAS,** pursuant to RCW 36.70B.200, following a duly noticed public hearing, by Resolution No. 21-27, the City Council authorized the Mayor to enter into the Agreement with Developer for the Hillside Planned Residential Agreement;

**WHEREAS,** the City and Developer desire to extend the term of the Agreement for an additional two years; and

**WHEREAS,** pursuant to RCW 36.70B.200, following a duly noticed public hearing, by Resolution _____, the City Council authorized the Mayor to enter into this First Amendment of the Agreement to extend the Agreement's term to March 31, 2027;

NOW, THEREFORE, the parties agree as follows:

1. Amendment - Term of Agreement. Section 7 (Term of Agreement) is hereby amended to read as follows:

Section 7. Term of Agreement. This Agreement shall commence upon the effective date of the Adopting Resolution approving this Agreement, and consistent with OHMC 21.40.020, shall continue in force for a period of seven (7) years beginning on March 31,2020, unless extended or terminated as provided herein or pursuant to the Oak Harbor Municipal code section 21.40.020(2) as it now reads or as it may hereinafter be amended. Following the expiration of the term or extension thereof, or if sooner terminated, this Agreement shall have no force and effect, subject however, to post-termination obligations of the Developer or Landowner.

2. Full Force and Effect. All other terms and conditions set forth in the Agreement dated November 4, 2021, shall remain in full force and effect as set forth therein.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of the dates set forth below:

*(signatures on next page)*

DEVELOPER:
PACIFIC NORTH GROUP, INC.

By: _____
Its: _____

Date: _____

CITY OF OAK HARBOR

By: _____
Mayor _____

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney