

**PLANNING COMMISSION  
REGULAR MEETING  
CITY HALL – COUNCIL CHAMBERS  
February 25, 2014**

**ROLL CALL: Present:** Keith Fakkema, Sandi Peterson, David Fikse, Greg Wasinger, Kristi Jensen and Bruce Freeman

**Absent:** Ana Schlecht

**Staff Present:** Development Services Director, Steve Powers; Senior Planners, Cac Kamak and Ethan Spoo

Chairman Fakkema called the meeting to order at 7:30 p.m.

**PUBLIC COMMENT:**

No one came forth for comment.

**MINUTES: MR. FREEMAN MOVED, MR. FIKSE SECONDED, MOTION CARRIED TO APPROVE THE JANUARY 28, 2014 MINUTES AS PRESENTED.**

**ELECTRONIC MESSAGE CENTERS CODE UPDATE – Public Hearing**

Mr. Spoo introduced James Carpentier of the International Sign Association and the Northwest Sign Council. Mr. Carpentier was present to speak about the letter he provided to the City Council on November 6, 2013 regarding technical issues with the proposed electronic message centers (EMC) code.

Mr. Carpentier spoke about his experience assisting approximately 50 jurisdictions in crafting their electronic message center codes. Mr. Carpentier's suggestions for Oak Harbor were:

- Delete the white color-based restriction
  - Could be a 1st amendment issues related to content neutrality
  - Lanham Act/Trademark infringement issue
  - Recommended illumination standards addresses overly bright signs
- Utilize the industry standard for night time illumination of .3 footcandles vs. NITs
  - Much easier to enforce
- If Oak Harbor wants to allow animation then 2 second hold time is not needed
- If a hold time is desired then frame effects could be allowed that allows for animation (motion) at transition only
- Daytime limitations are not needed with automatic dimming – if desired he suggested 7,500 nits
- The transition between messages should be no greater than 1 second

Planning Commission questioned Mr. Carpentier about his suggestions asked him to expand on the 1<sup>st</sup> amendment issues and Lanham Act/Trademark infringement issue, daytime limitations, and transition between messages not greater than 1 second.

Mr. Spoo presented the staff report to the Planning Commission and displayed a presentation (Attachment 1). Mr. Spoo explained that the staff report presents a series of recommended

motions based on the November 6, 2013 letter from Mr. Carpentier to the City Council. Motions related to duration, animation, transition time, scrolling or moving text and brightness.

Mr. Fakkema opened the public hearing for public comment.

**Billie Cook** (Oak Harbor resident) stated that she attended the EMC demonstration said it was very good. She disagreed with not having a restriction on white backgrounds because a white background is too distracting. She asked that the restriction on white background be kept as well as the limitation on hours of operation.

Following Mr. Spoo's presentation the Planning Commission had a lengthy discussion mostly centered on the method for measuring and enforcing brightness standards. Mr. Fikse provided two hand-outs (Attachment 2). At the conclusion of their discussion the Planning Commission took the following actions.

### **DURATION**

**ACTION: MS. JENSEN MOVED, MR. PETERSON SECONDED A MOTION TO LEAVE THE DRAFT CODE LANGUAGE AS IS - "MESSAGES, TEXT, GRAPHICS, IMAGES, AND VIDEOS, MUST REMAIN ON-SCREEN FOR A MINIMUM OF TWO SECONDS."**

**VOTE: 4 IN FAVOR AND 1 OPPOSED (WASINGER)**

### **ANIMATION**

**ACTION: MS. PETERSON MOVED, JENSEN SECONDED A MOTION TO LEAVE THE DRAFT CODE LANGUAGE AS IS - "ANIMATION AND VIDEO CANNOT PORTRAY ACTION OR MOVEMENT AT SPEEDS FASTER THAN WHAT OCCURS IN REAL LIFE."**

**VOTE: 4 IN FAVOR AND 1 OPPOSED (FREEMAN)**

### **TRANSITION TIME**

**ACTION: MR. FIKSE MOVED, MR. WASINGER SECONDED DIRECT STAFF TO REVISE THE LANGUAGE IN SECTION 19.36.030 (5)(G)(VIII) TO DELETE "WHEN THE SIGN IS TRANSITIONING BETWEEN COLORS, GRAPHICS, IMAGES OR TEXT THE TRANSITION TIME MUST OCCUR WITHIN ONE SECOND AND NO LESS THAN .5 SECONDS."**

**VOTE: 4 IN FAVOR 1 OPPOSED (PETERSON)**

### **SCROLLING OR MOVING TEXT**

**ACTION: MS. JENSEN MOVED, MR. FREEMAN SECONDED A MOTION TO: LEAVE THE DRAFT CODE LANGUAGE AS IS - "SCROLLING OR MOVING TEXT IS PROHIBITED."**

**VOTE: UNANIMOUS**

## **BRIGHTNESS**

**ACTION: FIKSE MOVED, JENSEN SECONDED A MOTION TO: DIRECT STAFF TO REVISE THE LANGUAGE IN SECTION 19.36.030 (5)(G)(XII) SO THAT THE SECOND SENTENCE READS “DIGITAL SIGNS SHALL COME EQUIPPED WITH PHOTO CELL AUTOMATIC DIMMING TECHNOLOGY.”**

**VOTE: UNANIMOUS**

**ACTION: PETERSON MOVED FREEMAN SECONDED A MOTION TO: DIRECT STAFF TO REVISE THE BRIGHTNESS STANDARDS TO 90% BRIGHTNESS IN NITS DURING THE DAYTIME AND NO GREATER THAN 7% BRIGHTNESS IN NITS AT NIGHT WITH A MAXIMUM CAP OF 1000 NITS AT NIGHT.**

**VOTE: UNANIMOUS**

## **PUBLIC PARTICIPATION PLAN – Public Hearing**

Mr. Kamak noted that the agenda packet was missing his report which he handed out at the meeting (Attachment 3). Mr. Kamak reported that the Public Participation Plan (PPP) was presented to the Planning Commission in October 2013 and again at the January 28, 2014 meeting for discussion. The Planning Commission had no additions or recommendations so staff is asking the Planning Commission to forward a recommendation to the City Council to adopt the PPP. The PPP identifies procedures for providing “early and continuous public participation” in the amendment of the Comprehensive Plan and development regulations.

Mr. Fakkema opened the public hearing for public comment. Seeing none the public hearing was closed.

**ACTION: MS. PETERSON MOVED, MR. WASINGER SECONDED A MOTION TO FORWARD THE PUBLIC PARTICIPATION PLAN TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. MOTION CARRIED.**

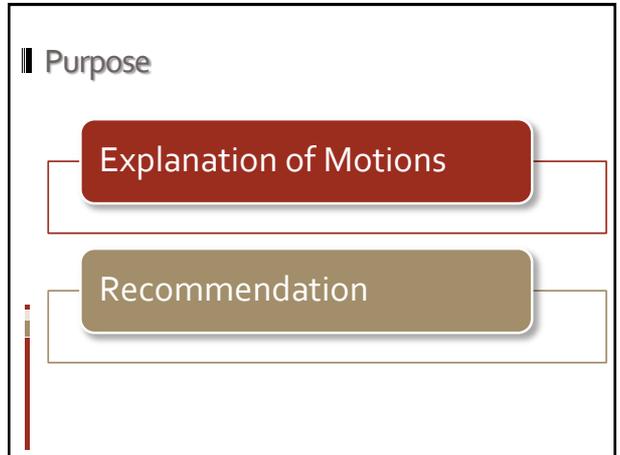
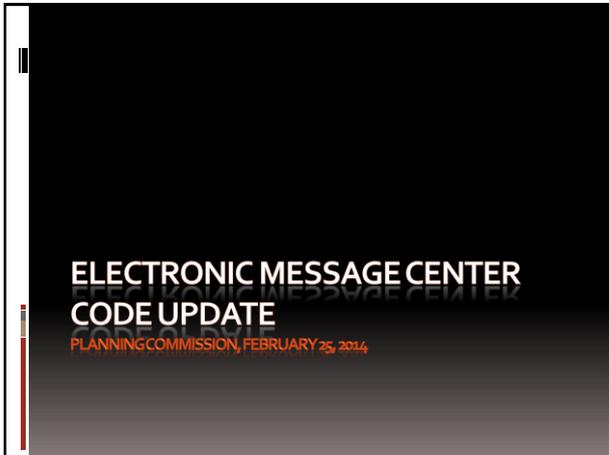
## **ANNUAL REPORT TO CITY COUNCIL – Public Meeting**

Mr. Powers reported that the City Council reviewed the annual report at the January 28, 2013 meeting and Ms. Schlecht volunteered to write a statement for Section 3 General Recommendations. Mr. Powers recommended that Planning Commission forward the report to the City Council for their information.

**ACTION: MR. FIKSE MOVED, MR. FREEMAN SECONDED A MOTION TO FORWARD THE ANNUAL REPORT TO THE CITY COUNCIL. MOTION CARRIED.**

**ADJOURN: 9:49 p.m.**

Minutes submitted by: Katherine Gifford



### Duration of Videos

- Draft Code: "messages, text, graphics, images, and *videos*, must remain on-screen for a minimum of two seconds."
- ISA: contradictory to have duration for a video
- Motion 1.A: leave draft language as is
- Motion 1.B: delete word "video"
- Motion 1.C: apply to "video segments"

A photograph of a digital sign on a street. The sign is blue and yellow with the text "Downtown Sidewalk Sales" in large, bold letters. Above the sign is a white "P" parking sign. The sign is mounted on a black pole. The background shows a blue sky and a building.

### Speed of Animation and Video

- Draft Code: "Animation and video cannot portray action or movement at speeds faster than what occurs in real life."
- ISA: difficult to administer
- Motion 2.A: leave draft language as is
- Motion 2.B: direct staff to delete subject language

A photograph of a digital sign on a street. The sign is blue and yellow with the text "Downtown Sidewalk Sales" in large, bold letters. A hand is holding a smartphone in front of the sign, displaying a video. The sign is mounted on a black pole. The background shows a blue sky and a building.

## Transition Time

- Draft Code: "...the transition must occur within one second and no less than 0.5 seconds."

- ISA: should be discrete number...would be difficult to administer

- Motion 3.A: leave draft language as is

- Motion 3.B: direct staff to revise to be "one second or less."



## Scrolling or Moving Text

- Draft Code: "scrolling or moving text is prohibited."

- ISA: contradictory to allow animation, but prohibit moving text.

- Motion 4.A: leave draft language as is

- Motion 4.B: delete prohibition on scrolling or moving text.



## Brightness

- Draft Code: C3/C4/C5→1,500 nits night/13,000 nits day, C1/I/PIP/PBP/PF→ 1,000 nits night/8,000 nits day

- ISA: recommend 0.3 FC above ambient w/ autodim

- Motion 5.A: leave draft language as is

- Motion 5.B: revise language in accordance with ISA recommendation

  - if nits chosen

- Motion 5.C: revise brightness measurement method...no measurement with sign turned off

## Recommendation

- Proceed by selecting motions reflecting Planning Commission preferences as regards issues raised by ISA.

Digital Sign Companies, Recommended Brightness Settings  
*All Companies Recommend Photo Cell Automatic Light Dimming Technology*

Daktronics

*Recommends the foot-candle approach used by the ISA*  
*Actual settings, 4-6% night time setting based on NITS.*

Watchfire

*Recommends a simple 10% night time setting based on NITS.*  
*No issues reported*  
*They don't recommend foot-candles*

YESCO

*Recommends a simple 5-10% night time setting based on NITS*  
*Recommends a simple 85-90% day time setting based on NITS*  
*They use % of NITS, and don't recommend foot-candles*

Recommendation  
Brightness Settings For Digital Signs

Motion 5.D.

*Recommend revising the brightness standards to rely on Photo Cell Automatic Light Dimming Technology, 85-90% during the day, and 5% (conservative) to 10% (liberal) at night, using a percentage of NITS, based on the technological specifications of sign.*

*See the table below.*

<u>Sign Brightness in NITS</u>	<u>10%</u>	<u>8%</u>	<u>7%</u>	<u>5%</u>
14,000	1,400	1,120	<b>980</b>	700
12,000	1,200	960	<b>840</b>	600
10,000	1,000	800	<b>700</b>	500
8,000	800	640	<b>560</b>	400

**City of Oak Harbor  
Planning Commission Report**

Date: February 25, 2014  
Subject: Public Participation Plan for the  
2016 Comprehensive Plan  
Update

**FROM:** Cac Kamak, AICP  
Senior Planner

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**PURPOSE**

This report presents the Public Participation Plan (PPP) for the 2016 Update to the Comprehensive Plan. Section 36.70A.140 of the Revised Code of Washington requires local governments to establish and broadly communicate to the public a Public Participation Plan (PPP) which identifies procedures providing for “early and continuous public participation” in the amendment of the Comprehensive Plan and development regulations implementing such plan.

**BACKGROUND**

The PPP was first introduced to the Planning Commission for review at its October 22, 2013 meeting. The PPP was discussed further at the January 23, 2014 Planning Commission meeting. Since early and continuous public participation is at the heart of all actions related to the Comprehensive Plan, having a PPP adopted early in the process provides an opportunity to the Planning Commission and the public to be aware of the ways to be involved in the 2016 Comprehensive Plan update process. Oak Harbor’s Municipal Code Chapter 18.15 also incorporates several requirements to keep the public informed on actions related to the Comprehensive Plan.

**DISCUSSION**

The Public Participation Plan (PPP) is attached to this memo for the Planning Commission’s review and recommendation. The PPP identifies the Planning Commission as the primary body to consider the amendments and hold hearings. Planning Commission meetings are not only an effective way to obtain public input but it is also an effective way to disseminate information to the public because the meetings are recorded and rebroadcasted on Channel 10 public access television. Planning Commission meetings are played an average of five times a week until the next meeting is recorded and ready for broadcast. The rebroadcasting of the Planning Commission meeting is an effective way to keep transparency in the decision making process.

A dedicated webpage under the City’s website has been created to provide access to all the information that is related to the 2016 update in one place. This webpage will have links to Planning Commission reports related to the update. A dedicated email address [2016update@oakharbor.org](mailto:2016update@oakharbor.org) has been created for easy public input and comments.

Other means of public input such as open houses, ad hoc committees, workshops, public displays, etc. have also been identified as outreach mechanisms. The decision to use these can be made based on the topic of discussion and the most effective way to gain public input on that specific topic.

**RECOMMENDATIONS**

The Planning Commission is requested to hold a public hearing on the Public Participation Plan and make a recommendation to the City Council.