

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
July 23, 2013**

ROLL CALL: **Present:** Greg Wasinger, David Fikse, Kristi Jensen, Bruce Freeman and Sandi Peterson
Absent: Keith Fakkema and Ana Schlecht
Staff Present: Senior Planners, Cac Kamak and Ethan Spoo

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

MINUTES: MS. PETERSON MOVED, MR. FREEMAN SECONDED, MOTION CARRIED TO APPROVE THE JUNE 25, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

Ron Nelson (resident of Oak Harbor and member of the Island County Economic Development Council) commented that as the Planning Commission proceeds with developing policies, it is critical that the permitting process does not take longer than the building process and permit fees should be reasonable enough to encourage growth.

DIGITAL SIGNS CODE UPDATE – Public Hearing

Mr. Spoo displayed a Power Point presentation (Attachment 1) which summarized additional research on brightness, a review of brightness, an inventory of current Electronic Message Centers (EMC's) and recommended actions. The recommended actions are to give staff direction on: desired brightness standards, whether to have a two-standard system (nits & foot-candles) or a one-standard system (nits OR foot-candles) and what level of brightness should be used. Staff also recommended the Planning Commission give staff direction on the treatment of non-conforming signs, whether to "grandfather" them in (vested under old code) or to require that they meet brightness and hours of operation standards within one year.

Discussion

Planning Commission discussed "grandfathering" existing signs until the sign owner replaced the old sign with a new sign or is operating the sign in a manner that wasn't allowed under the old code.

Mr. Fikse questioned whether the .3 foot candle criteria recommended by the International Sign Association was correct. Mr. Fikse reported that he purchase a foot-candle meter and conducted his own tests on brightness levels by taking measurements under different conditions on his sign. He provided a handout with the results of those measurements (Attachment 2). Mr. Fikse recommended raising .3 foot-candle criteria to .8 as some other jurisdictions have done. He believed .3 foot-candles was too low. He also recommended more testing using normal content instead of all-white backgrounds.

Planning Commission expressed their wishes that the code be very clear about the criteria, be right the first time and not done in haste.

The public hearing was opened at 8:05 p.m.

Aaron Syring owner of Island Drug said his main concern was the 10 second duration cited in section 19.36.030 (5) (g) (vii) of the draft code. He asked that the duration be decreased to 8

seconds. He wanted more information on whether the 10 second duration is common. Mr. Syring said his experience with his sign was that 2 seconds was acceptable and it did not appear to be strobing or pulsating. He believed that a 10 second transition was too long. Mr. Syring also noted that 9.36.030 (5) (g) (xv) which requires that EMC's located 300 feet from a residentially zone property must turn the EMC off between the hours of 10 p.m. and 6 a.m. He believed 100 feet from residentially zoned properties was more reasonable.

Jason Trit owner of Flyers Restaurant commented that purchasing an EMC is a big investment of between \$30,000 and \$50,000 and there should be less regulation so that the signs can be used to their full capacity. Mr. Trit stated that charities, Chamber of Commerce and other business call him regularly to request that he advertise their events on his sign so he believes EMC signs also benefit the community. He also agreed that the 10 second duration is not reasonable. Mr. Trit said EMC's are the wave of the future and we need to grow if we are going to be a destination tourist town.

Mark Duncan (3145 Shadowbrook Drive) said he was part owner of the Blue Heron Professional Business Park (the lot directly behind the drug store) and he is 1/3 owner of the sign. He noted that Section 9.36.030 (5) (g) (iii) of the draft code allows only one sign per property for multitenant buildings on a single property. He was concerned that he would have to surrender his right to put a sign on Ely Street and hoped that the Planning Commission would amend that section.

Mel Vance Oak Harbor resident pointed out that Island Drug's sign is at a 90 degree angle to the residential property and is not shining in anyone's windows but if Element were to mount a sign on their building it would shine directly into the condos across the street and even 300 feet wouldn't be enough. He recommended that the requirements for EMC's adjacent to residential properties be flexible and be considered on a case-by-case basis.

Jason Trit owner of Flyers Restaurant added that his restaurant is opened until 11 p.m. on weekends and the requirement that EMC's located adjacent to residential areas be turned off from 10 p.m. to 6 a.m. will make it look like he is closed for business at 10 p.m.

Planning Commission and staff discussed the issues raised during the public comment period. Staff noted that Planning Commission could choose to adjust the durations, hours, distances or have no hours of operation if they chose.

MOTION: MR. FIKSE MOVED, MS. PETERSON SECONDED GRANDFATHERING ALL EXISTING SIGNS AS ORGINALLY PERMITTED.

Discussion:

Planning Commissioners discussed what would trigger a "grandfathered" sign to become regulated under the new code and were concerned that all businesses may not want to be "grandfathered". Mr. Kamak said that businesses could be given the choice to be "grandfathered" and be give a date e.g. one year from the date of adoption of the new code to respond with their preference. Mr. Kamak noted that the current motion is only to give staff direction.

ACTION: MOTION CARRIED UNANIMOUSLY.

Mr. Fikse commented that he wanted more research on the brightness issue before making a motion on whether to have a two-standard system (nits and foot-candles) vs. one-standard

system (nits OR foot-candles). **Commissioners agreed to table this item until the August meeting.**

Mr. Fikse commented on the maximum duration of 5 seconds in Section 19.36.030 (5) (g) (vii) and displayed video clips of a flag in motion and a diamond ring rotating on his sign. He didn't think that the duration of the motion shown in the videos was a traffic distraction or a safety issue. Mr. Fikse said that the flag ran all day on the 4th of July. The proposed code is written so that there is only a 2 to 5 second window with a static time after 5 seconds. He stated that it would look silly running the flag 5 seconds and stopping, running for 5 seconds and stopping.

MOTION: MS. PETERSON MOVED, MR. FIKSE SECONDED A MOTION TO REMOVE THE MAXIMUM DURATION OF 5 SECONDS, MOTION CARRIED UNANIMOUSLY.

Aaron Syring owner of Island Drug asked the Planning Commission to change the duration restriction for static images to 2 seconds instead of 10 seconds. **Planning Commission agreed to table this issue until the August 27th meeting.**

Planning Commission also agreed to table the hours of operation restriction when EMC's are within 300 feet of residentially zoned property until the August 27th meeting.

ACTION: MR. FREEMAN MOVED, MR. FIKSE SECONDED A MOTION TO CONTINUE THE PUBLIC HEARING TO THE PLANNING COMMISSION'S AUGUST 27, 2013 BUSINESS MEETING, MOTION CARRIED.

BED AND BREAKFAST CODE – Public Meeting

Mr. Spoo displayed a Power Point presentation (Attachment 3) and reviewed the changes since last month's meeting. At last month's meeting there was discussion about the ability for bed and breakfast (B&B) establishments to have some sort of accessory commercial on site to sell items like trinkets, mugs or t-shirts. The proposed code has been revised to allow accessory commercial in residential zones but the area is limited to 100 SF and is for patrons only. On-site parking will not be required in the Central Business District (CBD) and the sign size in commercial districts should be the same as any other commercial use in that zone but in residential there is a 4 sq. ft. restriction as well as a restriction on the appearance of the sign in residential areas. The proposed code also clarifies that a resident or manager has to be domiciled onsite.

Mr. Spoo reviewed the zones where B&B's are permitted or where a conditional use permit is required show in the table below.

Type of B&B	R1	R2	R3	R4	R0	C1	CBD
Inns	X	X	P	P	P	P	P
Residential	C	C	P	P	P	P	P
Commercial	X	X	X	X	X	P	P

Note: P = permitted, C = conditional use permit required, X = prohibited

Mr. Spoo noted that the conditional use process in the R1 and the R2 zoning districts allows staff to access the impacts on a case-by-case basis and craft appropriate conditions.

Discussion

Commissioners discussed the conditional use process and agreed that B&B's should be a conditional use in the R1 and R2 districts. They also discussed parking in the CBD and agreed that parking is a management issue best left to downtown landlords and tenants to work out privately rather than having restrictions on specific uses in the zoning regulations. Commissioners asked staff to include a recommendation or a statement on the conditional use checklist advising the applicant to check their neighborhood covenants.

ECONOMIC DEVELOPMENT STRATEGY – Public Meeting

Mr. Spoo reported the Economic Development Committee is still reviewing the strategy and he hopes to have it for the Planning Commission soon.

2016 COMPREHENSIVE PLAN AMENDMENT – Public Meeting

Mr. Kamak reported that there are no items ripe for discussion yet and staff is still reviewing the checklist. Staff is continuing meeting with the County and discussing the county-wide planning policies and the Comprehensive Plan update.

ADJOURN: 9:50 p.m.



Additional Research on Brightness

Nits vs. footcandles: •Nits = 2, FC = 2, Both = 1

Levels: •Night = 500-1,000 nits. Day = 8,000 nits. FC 0.3 to 0.8 above ambient.

Autodim: •Required

Review of Brightness Discussions

Original Proposal	Modified Proposal	Input from the ISA Proposal	The Further Research Proposal
500 nits (night)/5,000 nits (day)	1,000 nits (night)/8,000 nits (day) for C ₁ , I, PIP, PBP & PF. 1,500 nits (night)/13,000 nits (day) for C ₃ , C ₄ , C ₅ .	0.3 footcandles above ambient with autodim	500-1,000 nits (night)/8,000 nits day. 0.3-0.8 footcandles above ambient. Autodim required.

Inventory	
<u>Number of signs:</u>	•18
<u>Locations:</u>	•Primarily Hwy 20 & Midway
<u>Type:</u>	•Mostly freestanding pole
<u>Size:</u>	•1.5 SF – 68.5 SF (Avg 19 SF)

Recommended Action(s)	
•Staff requests PC direction on desired brightness standards	
• Two-standard system (nits & footcandles) vs. one-standard system (nits OR footcandles)	
• Levels? Options in Planning Commission packet.	
•Staff requests PC direction on treatment of non-conforming signs.	
• "grandfather" them in (vested under old code)	
• Require that they meet brightness and hours of operation standards within one year	

Questions?	
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EMC Brightness Levels

Proposed Brightness Levels by the ISA, .3 foot-candle difference

Test Thursday July 18th, 2013

Conditions, Clear skies, ¾ moon

Measurement at Dusk ½ hour after sunset

.75 fc with sign off (black screen)

.81 fc with normal sign content (nonwhite backgrounds) .06 fc difference – PASSED TEST

1.05 fc with sign on (white background) .3 fc difference – PASSED TEST

Measurement at Dark 1 hour after sunset

.25 fc with sign off (black screen)

.28 - .35 fc with normal sign content (nonwhite backgrounds) .03 - .10 fc difference – PASSED TEST

.62 fc with sign on (white background) .37 fc difference – FAILED TEST

Observations

1. When testing using the criteria suggested by the ISA, using all white backgrounds, the sign failed, But when testing with normal display content (nonwhite backgrounds) as proposed by the planning commissioners, the sign easily passed.
2. Testing EMC Brightness Levels using an all-white background, creates a conflict with the "No White Background" section of the ordinance. It requires business to meet a criteria, they're not allowed to use.
3. The darker the conditions, the harder it becomes for a sign to meet the ISA's .3 fc criteria.
4. Conditions including no moon, full moon, cloudy skies and surrounding light sources affect the test results. This could make it possible for two identical signs to pass or fail, depending on location.
5. This criteria is too strict.

Recommendations

1. Raise the foot-candle difference.
2. Test using Normal Content, not all-white backgrounds.

BED & BREAKFAST CODE

Draft Regulations for Planning Commission
Consideration: July 23, 2013

Purpose

- Discuss changes since last month
- Conditional use permit process
- Further discussion and questions?

Changes since last month

- Accessory commercial. Allowed in residential zones and limited to 100 SF, for patrons only
- Parking in CBD – not required
- Other: sign size in commercial, sign appearance in residential, manager in commercial

Conditional Use Permit Process

Type of B&B	R1	R2	R3	R4	R0	C1	CBD
Inns	X	X	P	P	P	P	P
Residential	C	C	P	P	P	P	P
Commercial	X	X	X	X	X	P	P

Note: P = permitted, C = conditional use permit required, X = prohibited

Conditional use permit process cont.

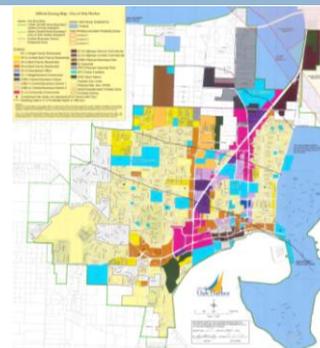
- Type III review with public notice 300 feet. 60 days is average.
- Hearing examiner is decision authority on criteria.
- Impacts can be considered on case-by-case basis
- Would apply to R1 & R2. Sensitivity may require unique conditions. (i.e. screening, parking)
- Thoughts on conditional use requirement in R1 and R2?

Schedule

- Goal to finish in August
- Any additional changes PC would like to see prior to August?

PC Questions?

Proposed Code cont.



Proposed Code

	Inns	Residential	Commercial
Max # Rooms	10	4	4
Room Capacity	4	4	4
Commercial Meals	No	No	No
Other Business	No	No	No
Resident/Manager	Full-time Mgr domiciled onsite	Resident in primary dwelling	Mgr onsite
Parking	Onsite/2+ 1 per room. Meet dimensions.	Onsite/2+ 1 per room. No dimensions.	Onsite/2+ 1 per room. No dimensions.
Signs	Per OHMC 19.36	4 SF monument/building	4 SF monument/building