



PLANNING COMMISSION

AGENDA

April 23, 2013

CITY OF OAK HARBOR
PLANNING COMMISSION
REGULAR MEETING
CITY HALL

AGENDA
April 23, 2013
7:30 P.M.

ROLL CALL: FAKKEMA _____ WASINGER _____
 JENSEN _____ PETERSON _____
 FIKSE _____ FREEMAN _____
 SCHLECHT _____

1. **Approval of Minutes – March 26, 2013**
2. **Public Comment** – Planning Commission will accept public comment for items not otherwise on the agenda for the first 15 minutes of the Planning Commission meeting.
3. **DIGITAL SIGNS CODE UPDATE – Public Hearing**
Staff will present the draft code to Planning Commission for digital signs. Planning Commission will open a public hearing and accept public testimony on the draft code.
4. **2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting**
The Planning Commission will continue discussion and analysis of scenic views that have been identified for preservation. Planning Commission has previously discussed criteria for determining which of the scenic views are in the public interest to preserve and have selected seven views for further analysis and possible preservation.
5. **2016 COMPREHENSIVE PLAN UPDATE – Public Meeting**
The Planning Commission will be updated on the County's initial draft schedule for their 2016 Comprehensive Plan update and its implications to the City's update.
6. **BED & BREAKFAST CODE – INTRODUCTION – Public Meeting**
Staff will present the first draft of a code to Planning Commission allowing for bed and breakfast establishments within specific residential zones in certain areas of the City

MINUTES

March 26, 2013

**PLANNING COMMISSION
REGULAR MEETING
CITY HALL – COUNCIL CHAMBERS
March 26, 2013**

ROLL CALL: Present: Keith Fakkema, Greg Wasinger, Kristi Jensen, David Fikse, Bruce Freeman, Ana Schlecht and Sandi Peterson
Staff Present: Development Services Director, Steve Powers, Senior Planners, Ethan Spoo and Cac Kamak.

Chairman Fakkema called the meeting to order at 7:32 p.m.

MINUTES: MS. JENSEN MOVED, MR. WASINGER SECONDED, MOTION CARRIED TO APPROVE THE FEBRUARY 26, 2013 MINUTES AS PRESENTED.

PUBLIC COMMENT:

Garrett Newkirk commented on the City expanding its current city limit boundaries without diversifying its economy to justify that expansion. He asked where the \$590,000,000 that the military claims they contribute to the Island economy goes. He also commented that the City encouraged the County to place an APZ zone on only North Whidbey Island residents which blocks economic and quality of life improvements with no compensation.

2012 COMPREHENSIVE PLAN AMENDMENT – Scenic Views – Public Meeting

Mr. Kamak reported that staff is continuing to work on this Comprehensive Plan Amendment and will present information for discussion at the next meeting.

DIGITAL SIGNS CODE UPDATE – Public Meeting

Mr. Spoo explained that the goal of tonight's meeting is to get direction from the Planning Commission as to whether they prefer Scenario 1 "Least Restrictive", Scenario 2 "Medium Restriction", Scenario 3 "Most Restrictive" or Scenario 4 "Prohibited" for drafting the digital signs code. Mr. Spoo displayed a Power Point presentation (Attachment 1) which presented changes to the four scenarios presented at last month's meeting as well as the source for the standards presented in February, interviews with other cities, the enforcement issue and the proposed schedule for the code update.

Mr. Fakkema asked if anyone wanted to provide public comment.

Garrett Newkirk commented that digital signs are a detriment to the town. Digital signs might be beneficial for public safety types of issues but not for businesses. Since we are such a small community there is no reason for them.

Planning Commission Discussion

Mr. Fikse thanked Mr. Spoo for his work and commented follows:

Color: Prohibition of a white background directly affects brightness and will help alleviate the brightness issue.

Motion: Consider putting in a separate section of live video pertaining to public services features such as "Amber Alerts and the Emergency Broadcast System.

Smooth motion video should be allowed.

Hours of Operation: Need to revisit the hours of 8 a.m. to 10 p.m. because it is too restrictive.

Mr. Wasinger raised an issue about businesses that are open 24-hours a day and the perception that the business is closed if the digital sign is turned off.

Ms. Jensen suggested having different hours of operation depending on the zoning district that the business is located and hours of operation would be more restrictive for business that are located adjacent to and across the street from residential zones.

There was some discussion about whether it was a function of brightness or hours of operation.

Ms. Schlecht and Ms. Peterson suggested setting a range for brightness to allow some flexibility for the business owner and code enforcement. Mr. Spoo indicated that there could be different brightness ranges for different zones.

Mr. Freeman expressed concern about digital signs on multi-tenant buildings. There could be five businesses in the same building each with a digital sign with competing information. Mr. Powers directed attention to page 26 of the agenda packet which is the portion of the sign code that applies to commercial properties. Letters "c" and "d" address occupants in multi-occupancy buildings and says that each storefront has the opportunity to have their own sign but there is a single free-standing sign which works for the entire center. Similar language could be crafted for digital signs to control the number of signs.

Commissioners Fikse, Freeman, Peterson, Wasinger and Jensen recommended that staff draft language that follows Scenario 1 "Least Restrictive". Commissioners Fakkema and Schlecht recommended Scenario 2 "Medium Restriction".

ECONOMIC DEVELOPMENT UPDATE – Public Meeting

Mr. Spoo reported that the City has an economic development committee that has been meeting for about a year. Mr. Fikse and Ms. Peterson are on the committee. The committee meets every first Thursday of the month. Mr. Spoo displayed a Power Point presentation (Attachment 2) showing the City's economic profile and needs assessment information. Copies of the Economic Profile and Needs Assessment Report is available upon request. Mr. Spoo and noted that this information is going to form the foundation for the City's economic development strategy that should come out of the committee in June. The Planning Commission will be asked to give recommendations on the economic development strategy.

YEARLY REPORT TO CITY COUNCIL – Public Meeting

Mr. Powers reported that the Planning Commission recommendations to the City Council have been added to the report and asked if the Planning Commission had any other recommendations. Mr. Fakkema asked Mr. Powers to add the Planning Commission's appreciation of staff's professionalism with which the staff has supplied the Planning Commission. Mr. Powers said that this closing comment would be added to the report.

Mr. Powers said the report would go to the City Council at their April 16th meeting and that having one or more members of the Planning Commission in attendance at the City Council meeting would be welcomed.

ACTION: MR. FREEMAN MOVED, MR. FIKSE SECONDED A MOTION TO ADD THE CLOSING COMMENT AND FORWARD THE PLANNING COMMISSION'S ANNUAL REPORT TO THE CITY COUNCIL MOTION CARRIED.

ADJOURN: 9:11 p.m.

DRAFT



Scenario 1 Changes: "Least Restrictive"

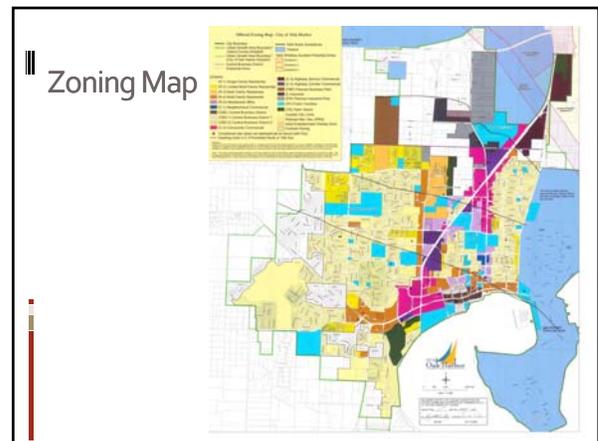
Size:	•Building mounted & freestanding treated differently
Color:	•Prohibit white.
Site Location Restrictions:	•Building mounted or freestanding, but not both
Zone/Area Restrictions:	•All commercial, industrial, and public facilities, except CBD
Compatibility:	•Adjacent includes across the street
Brightness:	•Subjective: "signs cannot be unreasonably bright so as to cause glare"

Scenario 2 Changes: "Medium Restriction"

Color:	•Prohibit white
Zone/Area Restrictions:	•Auto-oriented commercial C3, C4, C5, & PF except CBD
Brightness:	•1,000 nits night/8,000 day

Scenario 3 Changes: "Most Restrictive"

Size:	•33% of individual sign
Color:	•Prohibition on white
Zone/Area Restrictions:	•C3, C4, C5, except CBD



Discussion: Brightness

Source of February standards:

- "The Regulation of Signage: Guidelines for Local Regulation of Digital On-Premise Signs"

Interviews:

- Oak Harbor Signs. Island Café, Flyer's Restaurant, SDA Church. Flyer's – 800 night/10,000 day
- Watchfire Signs: brightness controlled by computer software
- Context matters
- Suggested subjective standard

Discussion: Brightness cont.

Interviews:

- City of Monroe
- Brightness standards by zone
 - Commercial (2,546 nits)
 - Office/downtown (1,592 nits)
 - Open space (955 nits)

Discussion: Enforcement

Type of Standard:

- Objective is the ideal. Everyone held to same standard.

Advantages/Disadvantages

- Light meters can be purchased
- Context affects measurements
- Hard to be objective with interference from other sources
- Measurement requires staff time & resources
- Subjective may be more realistic, but has its own problems

Schedule

February

- Discuss scenarios

March

- Conclude discussion on scenarios

April

- Staff drafts code, issues SEPA. Open hearing

May

- Close hearing. Recommendation to CC

Questions/Comments?

Economic Development Committee – On The Horizon

•Month	•Topic
February	What is economic development?
March	Economic Profile & Needs Assessment I
April	Profile & Needs Assessment II/Strategy & Guest
May	Strategy discussions II
June	Strategy discussions III

ECONOMIC PROFILE & NEEDS ASSESSMENT

Economic Development Ad Hoc Committee: March 7, 2013

|| Purpose

- Be familiar with key characteristics of Oak Harbor economy
 1. Industry/business sectors
 2. Age of population
 3. Housing issues
 4. Commute patterns
 5. Educational attainment
 6. Income
 7. Sales
 8. Unemployment rates
- What do they mean?
- Basis of strategy – get the lay of the land



SWOT ANALYSIS

SWOT Analysis

- Strengths, Weaknesses, Opportunities, and Threats
 - Way of identifying and classifying inherent factors affecting a business or economy
- Internal – Strengths & Weaknesses
- External – Opportunities & Threats



Business/Industry Sectors

Industry	Washington (%)		Island County (%)		Oak Harbor (%)	
	2000	2010	2000	2010	2000	2010
Agriculture	2.5	2.5	1.7	0.7		
Construction	7.0%	6.4	8.0	7.4		
Manufacturing	12.5%	1.04	11.8	9.3		
Wholesale Trade	4.1	3.1	1.4	1.4		
Retail Trade	12.1	11.7	12.1	12.9		
Trans and Warehousing and utilities	5.4	5.1	4.8	4.6		
Information	3.4	2.3	2.9	1.7		
Fi., ins., real estate, and rent/leas	6.1	5.8	6.5	5.3		
Prof., scien., mgt, admin, and waste mgt srvs	9.8	11.9	8.0	10.3		
Educ., health and social services	19.4	21.6	21.3	20.9		
Arts, ent., rec., accomm and food	7.9	8.9	8.8	9.07		
Other services (except public administration)	4.8	4.8	5.9	6.0		
Public Administration	5.0	5.5	6.9	9.9		
Number of Jobs	2,793,722	3,103,049	27,023	31,363	5,864	8,038

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Business/Industry – Strengths/Weaknesses

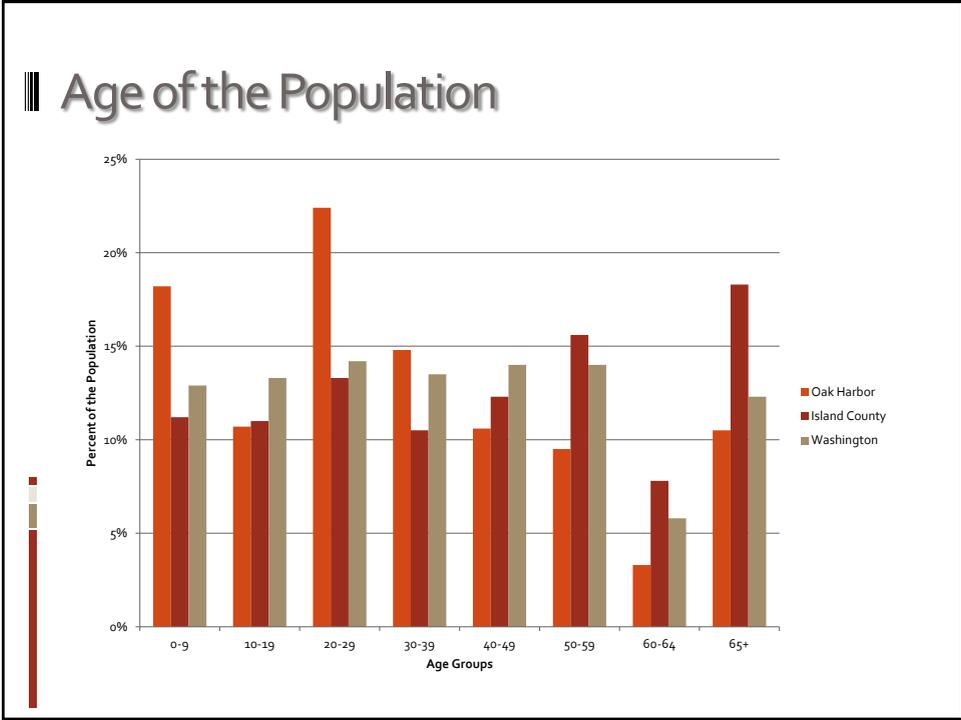
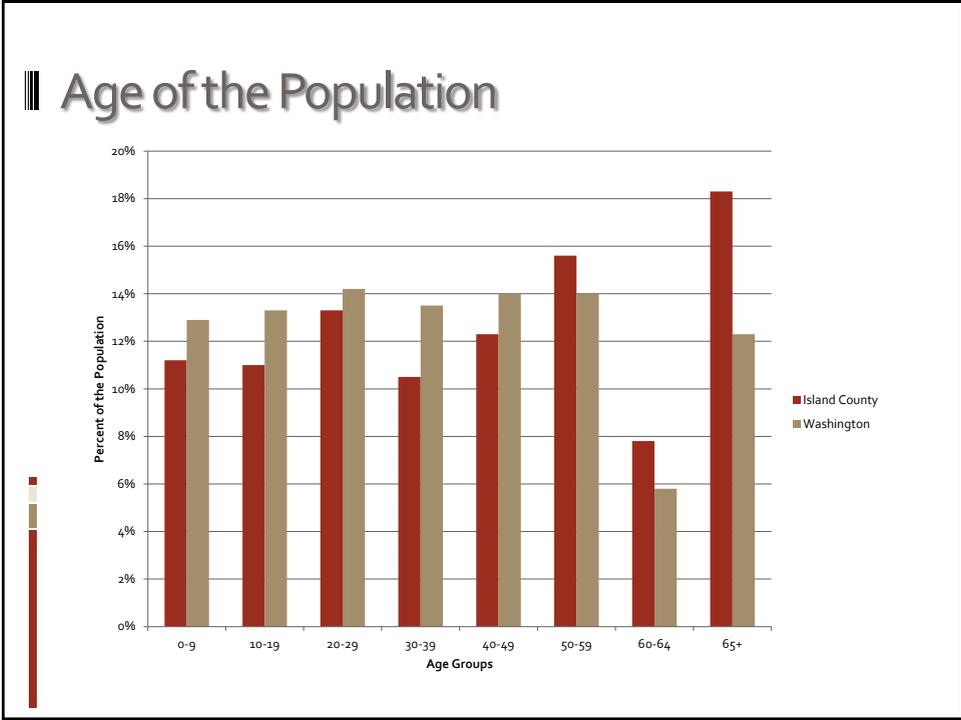
- Fastest growing: 2000-2010 were: (1) construction, (2) transportation and warehousing and utilities, (3) arts, entertainment, recreation, accommodation and food services.

- Fastest declining: (1) Information

- Strengths: (1) retail (2) arts, entertainment, recreation, accomm, food services

- Weaknesses: Not enough diversity.

AGE OF THE POPULATION



Population Age – Strengths/Weaknesses

•Fastest growing, 2000-2010 was: (1) 65+ and (2) 50-59

•Declining, 2000-2010 was: (1) 10-19 and (2) 30-39

Age Group	Oak Harbor	Island County	Washington
0-9	0%	-2%	1%
10-19	-4%	-3%	1%
20-29	5%	3%	4%
30-39	-2%	-4%	0%
40-49	1%	-2%	0%
50-59	10%	7%	7%
60-64	4%	6%	6%
65+	13%	17%	11%

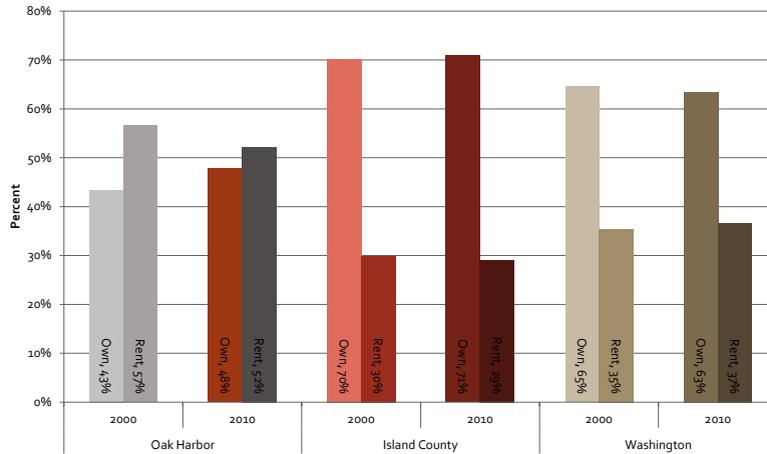
•Strengths: Young demographic – OH can capitalize

•Weakness: Lack of prime working age

HOUSING ISSUES

Housing Issues: Supply and Demand

•Tenure – rent vs. own (High demand for rental)



Housing Issues: Supply and Demand

•Supply & Demand - Vacancy

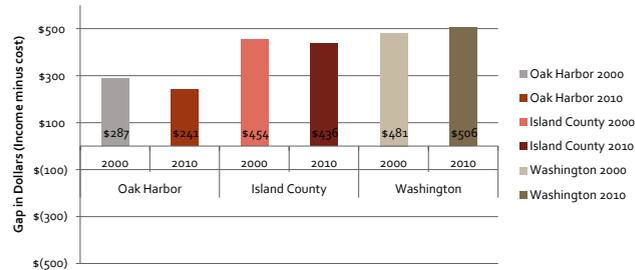
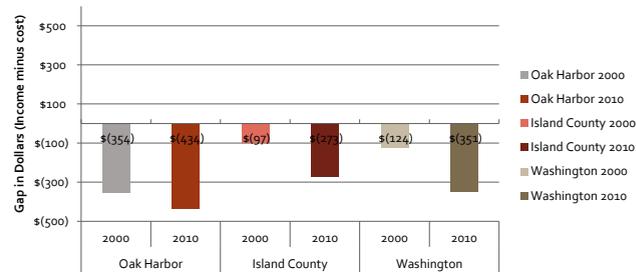
	Oak Harbor		Island County		Washington		US	
Year	Own	Rent	Own	Rent	Own	Rent	Own	Rent
2006			1.5	7.2	1.6	5.7	2.2	7.8
2007			2.1	9.1	2.0	5.3	2.5	7.8
2008			2.0	5.5	2.2	5.3	2.6	8.0
2009			2.5	5.0	2.4	5.6	2.5	8.1
2010			2.1	6.3	2.3	5.8	2.4	8.0

Housing Issues: Supply and Demand

•Supply & Demand - Vacancy

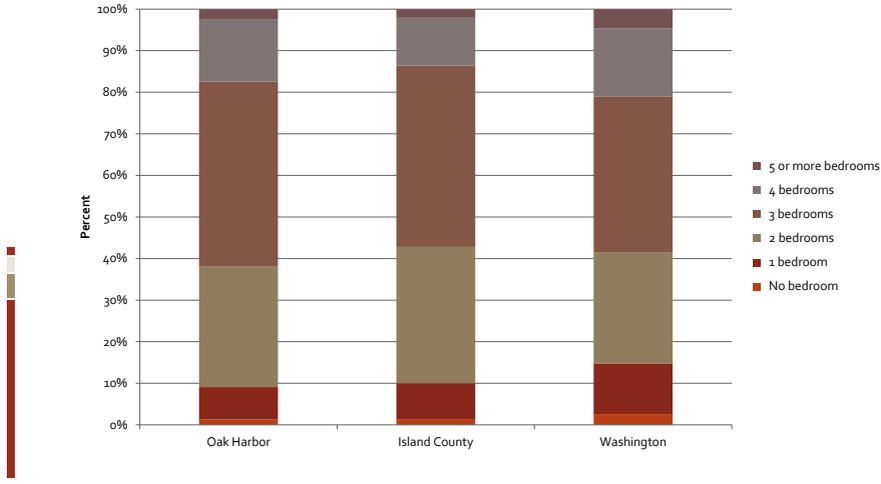
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Year	Own	Rent	Own	Rent	Own	Rent	Own	Rent
2006	1.1	7.4	1.5	7.2	1.6	5.7	2.2	7.8
2007	0.9	10.8	2.1	9.1	2.0	5.3	2.5	7.8
2008	1.2	6.9	2.0	5.5	2.2	5.3	2.6	8.0
2009	1.0	5.3	2.5	5.0	2.4	5.6	2.5	8.1
2010	1.0	4.2	2.1	6.3	2.3	5.8	2.4	8.0

Housing Issues: Affordability



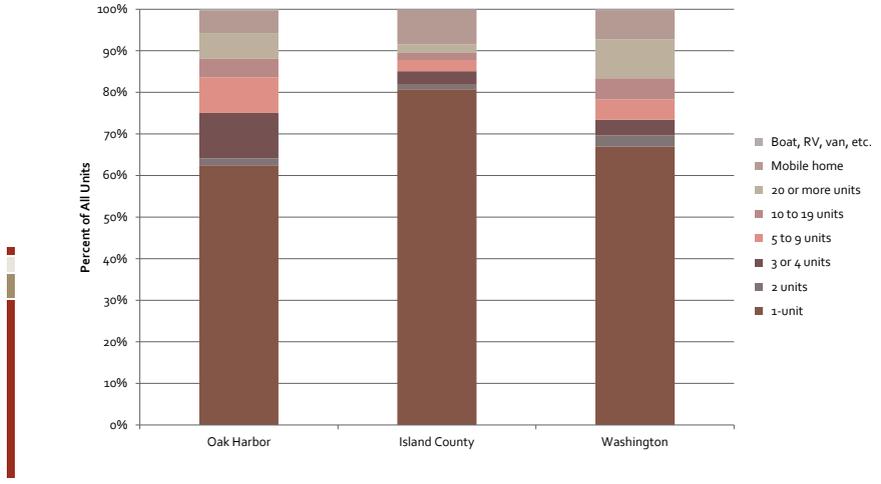
Housing Issues: Supply and Demand

•Supply – fewer 1 and 2-bedrooms



Housing Issues: Supply and Demand

•Supply – heavily SFR



||| Housing Issues - Summary

•Summary of Demand

1. Heavily weighted toward renters
2. Vacancy rates are very low
3. Housing is unaffordable

At the Same Time:

1. Lack of diversity in units - about same mix as everywhere else
2. Probably not enough 1 & 2 bedroom units to meet demand
3. Probably not enough multifamily to meet demand



Commute Patterns

	Oak Harbor (%)	Island County (%)	Washington (%)
Drive Alone		74	73
Carpool		11	11
Public Transit		3	6
Walk		3	3
Other Means		2	2
Work @ Home		6	5

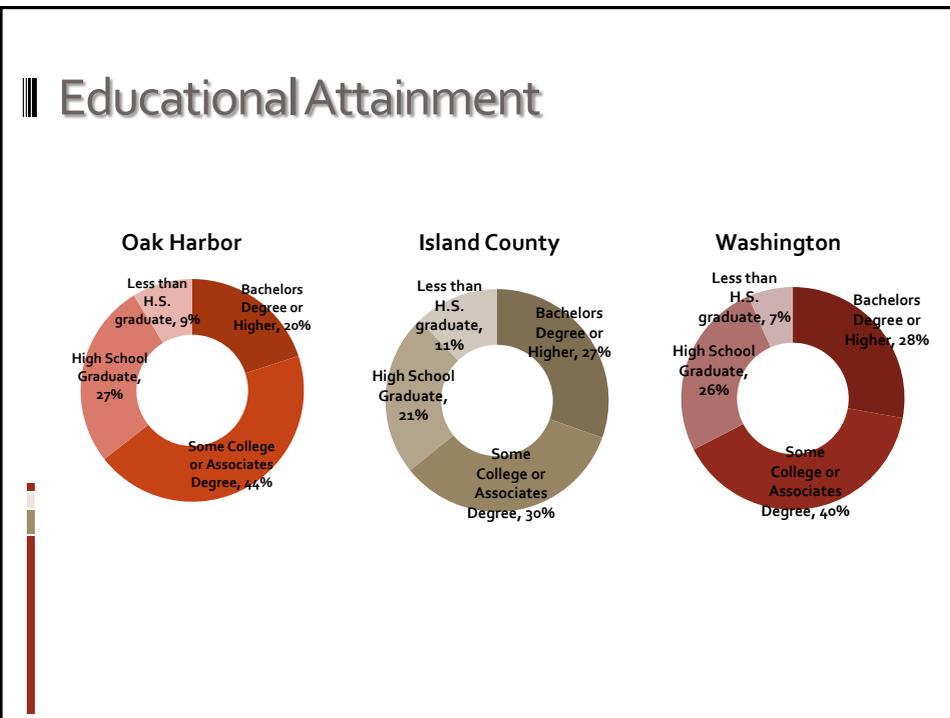
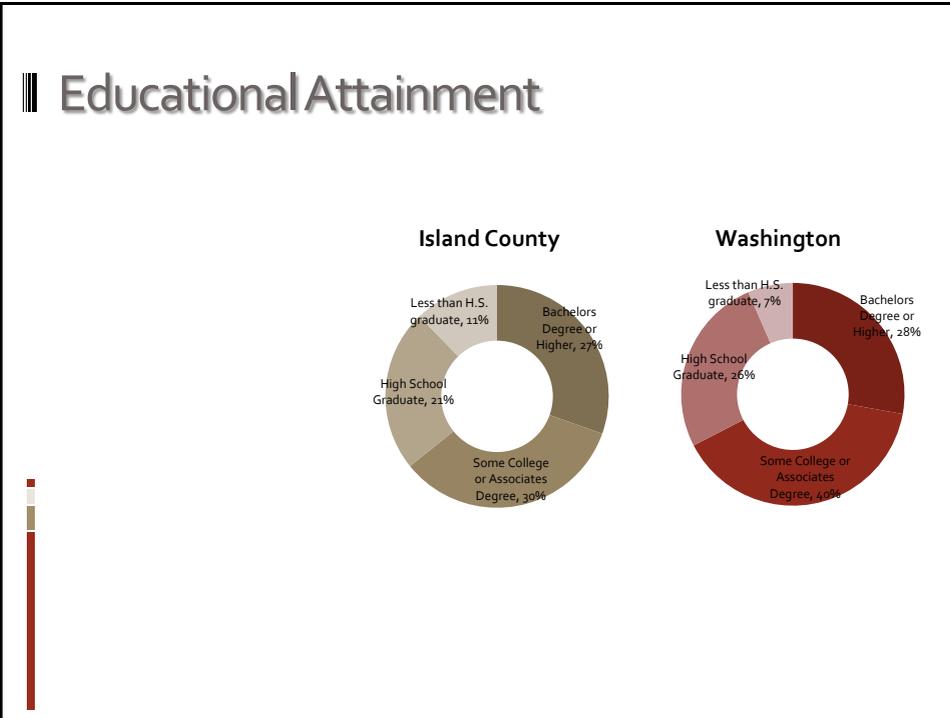
Commute Patterns

	Oak Harbor (%)	Island County (%)	Washington (%)
Drive Alone	84	74	73
Carpool	10	11	11
Public Transit	1	3	6
Walk	3	3	3
Other Means	1	2	2
Work @ Home	2	6	5

|| Commute Patterns: Summary

- Overreliance on drive alone
- Cars are more expensive
- Less disposable income to spend at Oak Harbor businesses





|| Educational Attainment: Summary

- Educational attainment is important to employers
 - Strength: High proportion of associates degrees
 - Weakness: Low proportion of bachelors degrees
- Weakness: Low proportion of bachelors degrees



Income

	2000 (\$)	2010 (\$)	% Change
Bainbridge Island	83,415	96,130	15
Camas	64,885	77,967	20
Des Moines	57,003	60,762	7
Kenmore	72,139	81,097	12
Lake Stevens	68,250	73,128	7
Maple Valley	70,008	98,264	40
Mercer Island	110,830	123,328	11
Moses Lake	42,096	47,535	13
Mountlake Terrace	52,117	58,018	11
Mukilteo	79,487	93,120	17
SeaTac	47,630	48,319	1
Avg for King Cty	71,522	82,354	15
Avg Outside King	61,690	70,896	15
Avg for All	65,787	75,670	15

Income

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Maple Valley	70,008	98,264	40
Mercer Island	110,830	123,328	11
Moses Lake	42,096	47,535	13
Mountlake Terrace	52,117	58,018	11
Mukilteo	79,487	93,120	17
Oak Harbor	41,579	50,372	21
SeaTac	47,630	48,319	1
Avg for King Cty	71,522	82,354	15
Avg Outside King	61,690	70,896	15
Avg for All	65,787	75,670	15

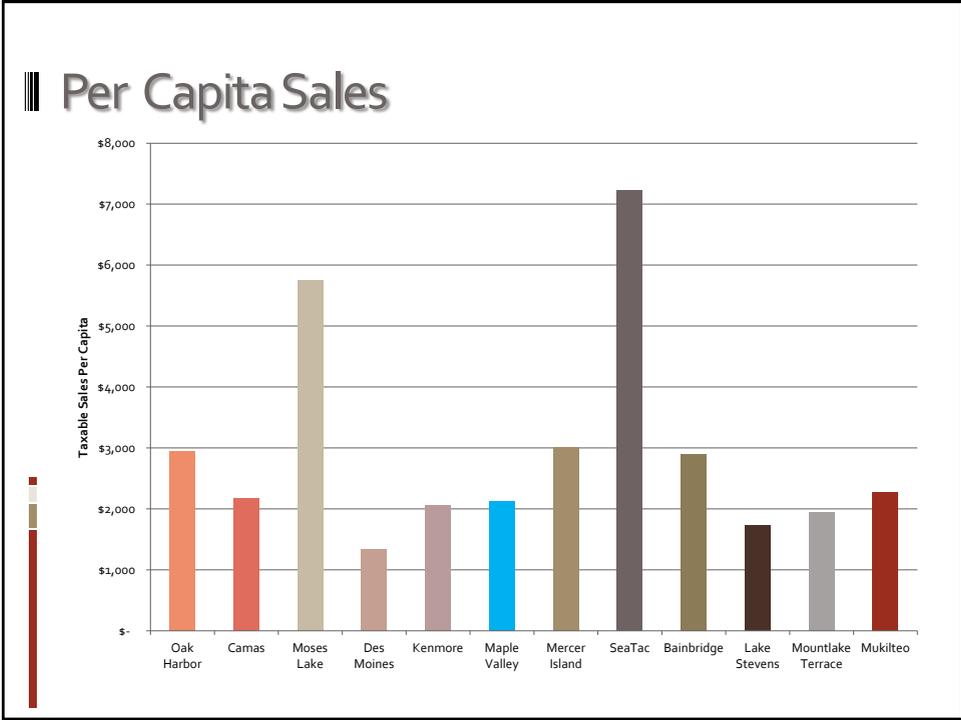
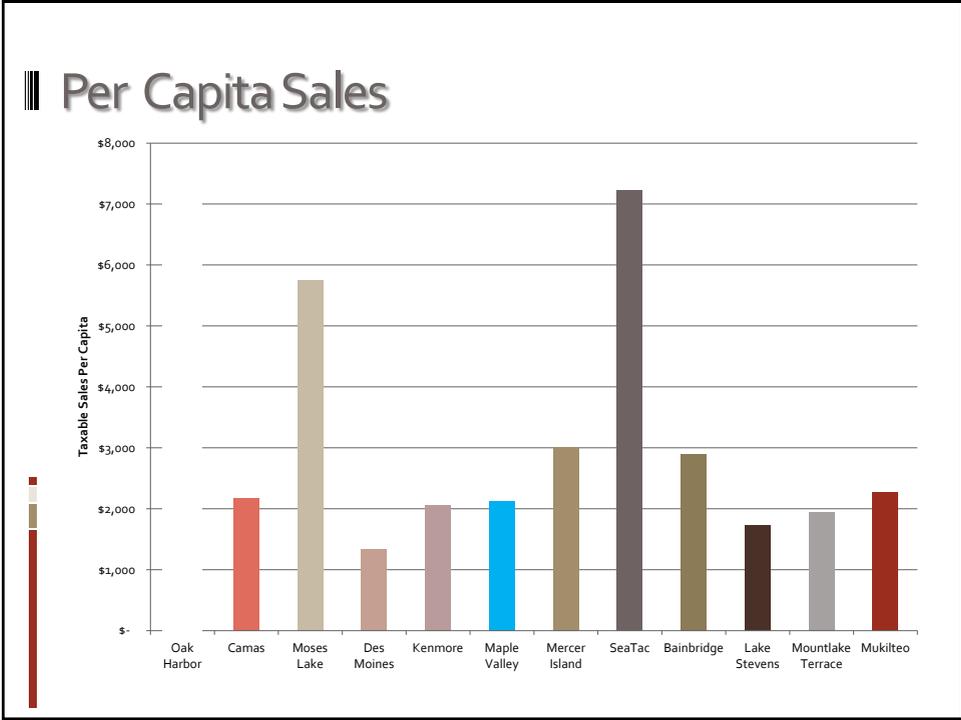
|| Incomes- Strengths and Weaknesses

- Weakness
- Income is an indication of purchasing power
- New consumer businesses looking to locate in Oak Harbor give strong weight to incomes.

- Strength: It's a weakness, but there's more to it...

||

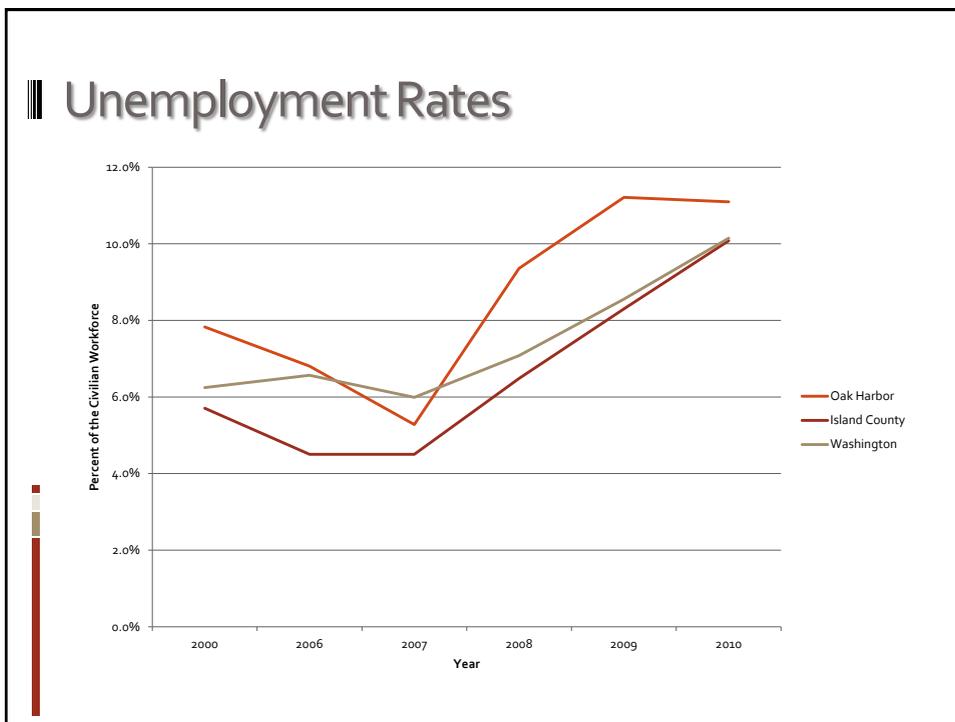
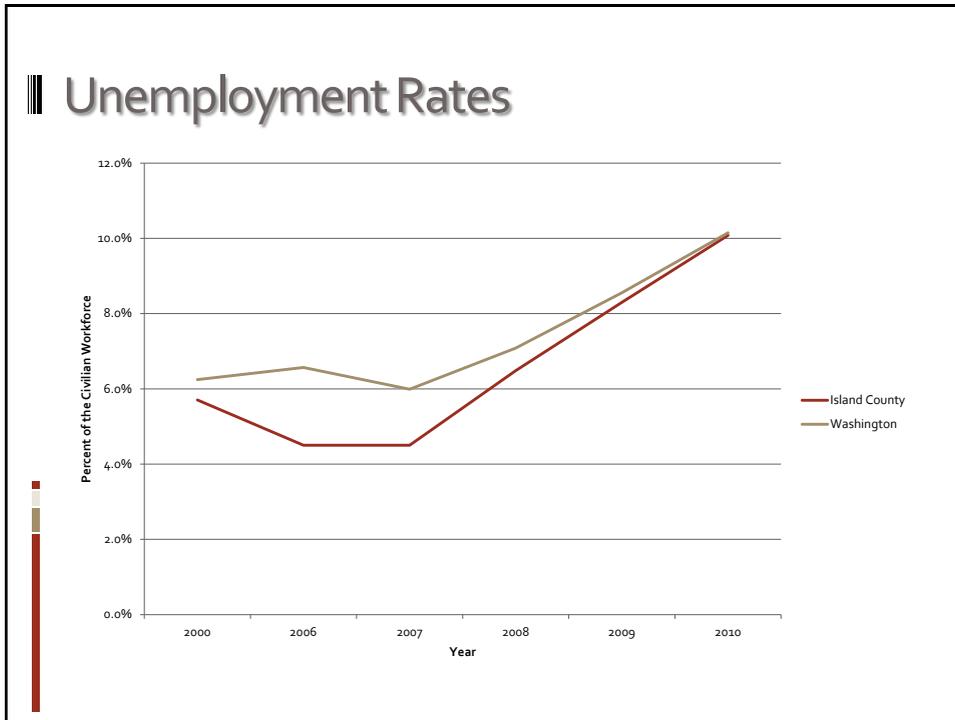
PER CAPITA SALES

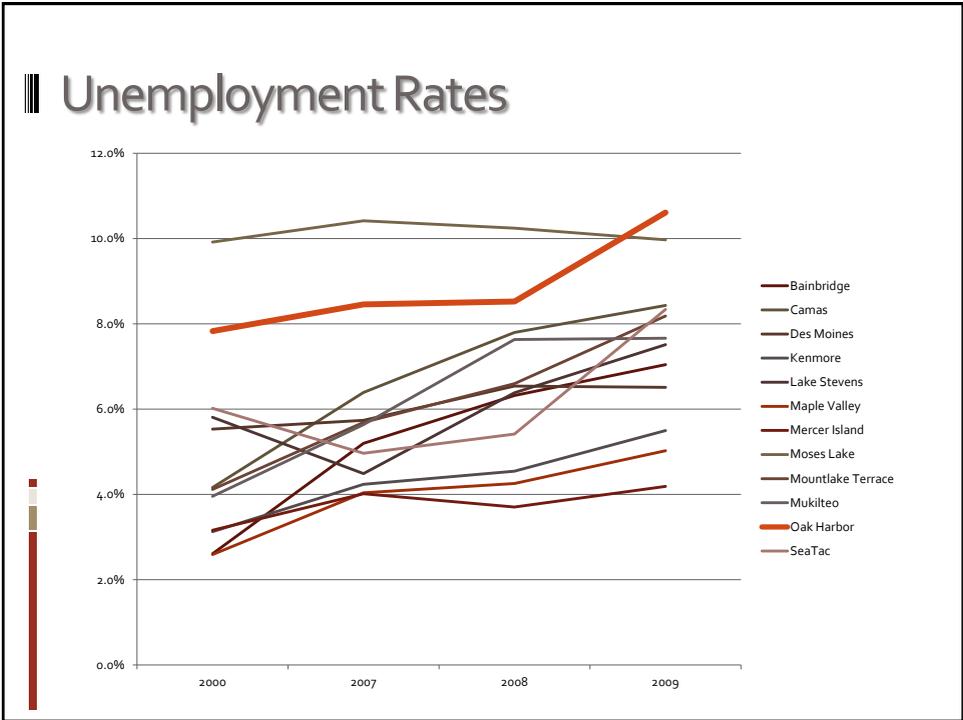
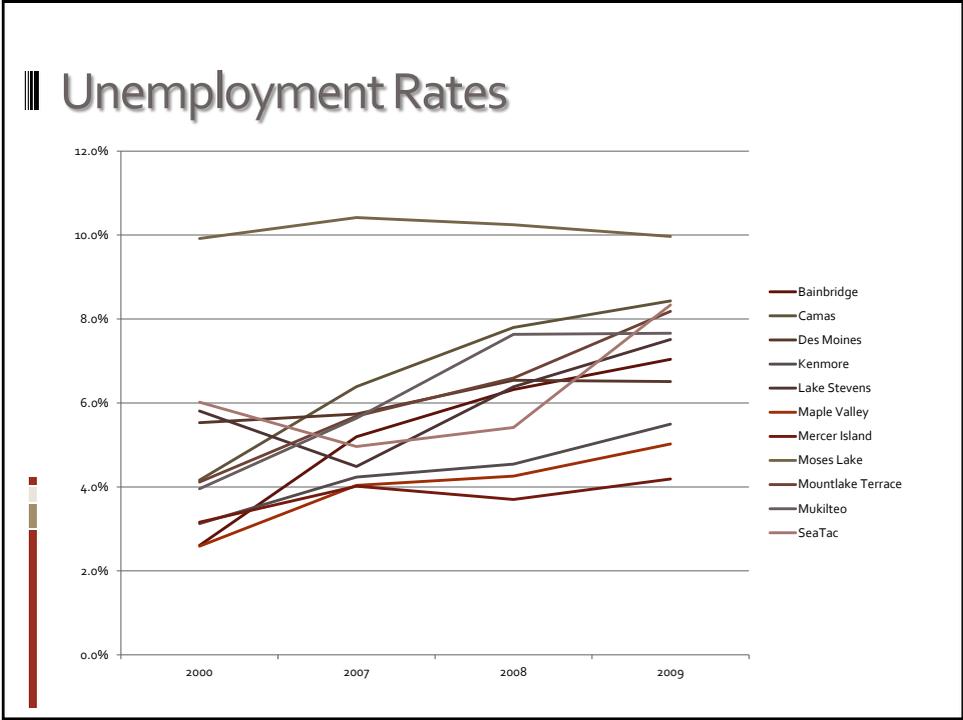


Per Capita Sales- Strengths & Weaknesses

- Oak Harbor tied for 3rd highest in the state
- Why is this the case with low incomes?
- Clearly a strength, no weakness about it

UNEMPLOYMENT RATES





Unemployment – Strengths and Weaknesses

- Oak Harbor unemployment rate is high
- Clearly a weakness?
- Possible reasons?
 - Economy lacks diversity
 - Island location?

Summary of Strengths & Weaknesses

Strengths:

- Sales
- Sectors: retail (2) arts, entertainment, recreation, accomm, food services
- Population age: Young, growing population of seniors
- Educational attainment

Weaknesses:

- High unemployment
- Lack of diversity of businesses
- Incomes
- Housing mismatch
- Drive alone
- Educational attainment

Digital Signs Code Update

Public Hearing

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 4/8/13
Re: Digital Signs Draft Code

PURPOSE

Based on prior discussions, staff are forwarding a draft of the proposed digital sign code to Planning Commission for review and comment. This memorandum summarizes the draft code which is Attachment 1 to this memorandum.

DRAFT CODE SUMMARY

DEFINITION

First and foremost, it is important to have a definition of digital signs. City staff need to distinguish between these signs and electronic message centers since these two types of signs will be regulated differently. Staff have created a definition for digital signs in OHMC 19.36.020. The definition refers to the “video, motion, graphic, and text capabilities of these signs. Electronic message centers also have graphic and text capabilities, thus, digital signs are primarily distinguished by their video capabilities. One consequence of this definition will be that some existing signs, originally permitted as electronic message centers and having video capability, may now be able to operate under the digital sign code provisions, once adopted.

ZONES/WHERE ALLOWED

The draft code proposes that digital signs be allowed in the C1 (Neighborhood Commercial), C3 (Community Commercial), C4 (Highway Service Commercial), C5 (Highway Corridor Commercial), I (Industrial), PIP (Planned Industrial Park), PBP (Planned Business Park), and PF (Public Facilities) zones. Digital signs are not allowed in the central business district (CBD) zone, because they are not compatible with the historic character of and residential uses in this zone.

CODE CONFORMANCE

Digital signs are considered to be one type of primary signage on a site and must adhere to the quantity, size, height, and setback requirements in 19.36.030(2-5) except where further specified in the digital sign code provisions. For instance, 19.36.030(2-5) says that a freestanding sign cannot be more than 25 feet tall and this provision would also apply to freestanding digital signs. On the other hand, 19.36.030(2-5) also says that buildings with a façade of 999 square feet or less may have three primary signs. The proposed digital sign code is more specific, limiting the number of digital signs to only one per property. Therefore, digital signs must meet all requirements of 19.36.030(2-5), as well as the proposed digital sign provisions which may be more specific.

SIZE

In keeping with the direction from Planning Commission to use the “least restrictive” scenario to write the code, staff are proposing size regulations for digital signs allowing for a 100-square foot digital sign. The sign may be

either building mounted or freestanding. If a freestanding sign is proposed, no more than 75 percent of a monument sign can be a digital display and no more than 50 percent of a pole or pylon sign may be a digital display. Building mounted signs can have 100 percent of their area as a digital display.

VIDEO AND MOTION

Per Planning Commission input, video and motion are allowed on digital signs. “Shaking, trembling, quavering, or quaking” videos and motion graphics are prohibited so as not to constitute a traffic distraction based upon Planning Commission input regarding allowing “smooth video.” In addition video speed cannot be quicker than what occurs in real life. Flashing, undulating, pulsing, portrayal of explosions, fireworks, flashes of light, or blinking, or chasing lights and scrolling or moving text are prohibited.

COLOR

White backgrounds are prohibited in accordance with Planning Commission comment.

DISPLAY CHANGES

So as to avoid distracting effects, instantaneous display changes are prohibited.

NUMBER

The code limits the number of digital signs per property. The proposed code requires multitenant properties to share a single digital sign.

ORIENTATION

Freestanding digital signs must be directed away from adjacent residential areas. Adjacent areas include properties across a public right-of-way from the property where the digital sign is proposed.

HOURS OF OPERATION

Digital signs must be turned off between the hours of 10:00 a.m. to 6:00 a.m., but only where adjacent to residentially zoned areas. Digital signs not adjacent to residentially zoned properties may operate their signs 24-hours a day.

LUMINANCE/BRIGHTNESS

There has been a range of Planning Commission comment on the brightness issue. The draft code proposes that brightness levels be set by zone in which the digital sign is located, a suggestion proffered by Planning Commission. A subjective standard of “not unreasonably bright so as to cause glare” is proposed for C3, C4, and C5 zoned areas. For C1 (Neighborhood Commercial), all industrial, business park, and the Public Facilities (PF) zone, the proposed brightness standard is 1,000 nits during the night and 8,000 nits during the day. The proposed system of regulating brightness allows maximum flexibility for businesses in most commercially zoned areas, while setting a specific standard in other areas where light impacts may be greater.

SCHEDULE

The proposed schedule for the remainder of the project is as follows:

- April – Staff drafts code and issues SEPA. Public hearing remains open for citizen comment.
- May – Staff closes SEPA comment period. Planning Commission closes public comment period and makes a recommendation to City Council.

ATTACHMENTS

1. Digital Signs Draft Code –Amendments to OHMC Sections 19.36.020 and 19.36.030.

ORDINANCE NO. 1640

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTER 19.36 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED "SIGN CODE".

WHEREAS, the City's Comprehensive Plan, Land Use Element, Goal 1 says: "To respect the "small town" heritage of Oak Harbor while enhancing the unique character of its neighborhoods and districts with development that is fitting with the City's future as a regional center."

WHEREAS, the City's Comprehensive Plan, Land Use Element, Policy 1(d) says: "Business-related signs, both temporary and permanent, should serve the needs of the business owner and public to identify business locations but should not proliferate in a manner whereby the sum of all signs detracts from a positive aesthetic experience of the City's commercial areas," and;

WHEREAS, the City's Comprehensive Plan, Land Use Element, Policy 1(e) says "Signage standards should promote design sensitivity to the context in which signs are placed and scaled to both the mass of the building and the location of the sign on the lot" and;

WHEREAS, the City's Comprehensive Plan, Urban Design Element, Policy 5(c) says "Free standing business signs should be consistent with the speed limit of roadways, and the character of land use districts."

WHEREAS, the City of Oak Harbor Comprehensive Plan, Economic Development Element, Goal 3 says: "Increase Oak Harbor's market share of retail sales to reduce the economic leakage off island."

WHEREAS, the City of Oak Harbor conducted a public hearing before the Planning Commission on April 23, 2013 and May 28, 2013. The public hearing was closed on May 28, 2013. Public meetings were held before the Planning Commission on January 22, 2013, February 26, 2013, and March 26, 2013 and;

WHEREAS, the Oak Harbor Planning Commission recommended approval of the subject ordinance to the City Council and;

WHEREAS, the City of Oak Harbor issued Notice of Application on September 15, 2012 and a Determination of Non-Significance (DNS) on October 6, 2012 for a SEPA Environmental Checklist in accordance with Chapter 43.21 RCW and;

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

Section One. Section 19.36.020 of the Oak Harbor Municipal Code last amended by Ordinance 1640 section 1 in 2012 is hereby amended to read as follows:

19.36.020 Definitions.

- (1) "Abandoned sign" means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.
- (2) "Animation" means the use of movement or some element thereof, to depict action or create a special effect or scene.
- (3) "Area or surface area of sign" means the greatest area of a sign on which copy or artwork can be placed and not just the portion of which is covered by letters or symbols, enclosed within not more than three circles, rectangles or squares, or any combination of these forms which produces the smallest area. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy and are not internally lighted shall not be included.
- (4) "Architectural blade" means a projecting sign with no exposed legs or braces, designed to look as though it could have been part of the building structure rather than something suspended from the building.
- (5) "Banner" means a flexible material (i.e., cloth, paper, vinyl, etc.) on which a sign is painted or printed.
- (6) "Billboard" means outdoor advertising signs containing a message, commercial or otherwise, unrelated to any use or activity on the property on which the sign is located, but not including directional signs as defined herein.
- (7) "Building line" means a line established by ordinance defining the limits of buildings in relation to streets. A building line in some instances may coincide with the property line. "Building line" is sometimes referred to as "required setback line."
- (8) "Building-mounted sign" means a single- or multiple-faced sign attached to the face of a building or marquee.
- (9) "Campaign sign" means a sign which exclusively and solely advertises a candidate or candidate's public elective office, a political party, or promotes a position on a ballot issue.
- (10) "Canopy" means a freestanding structure affording protection from the elements to persons or property thereunder.
- (11) "Canopy sign" means any sign erected upon, against or directly above a canopy.
- (12) "Commercial sign" means a sign containing expression related to the economic interests of the advertiser and its audience or a sign proposing a commercial transaction.
- (13) "Construction sign" means an information sign which identifies the architect, engineers, contractors and other individuals or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.
- (14) "Digital sign" means a type of electronically-activated sign which has video, depicted motion, graphic, text, and color capabilities. These signs use light emitting diode (LED), liquid crystal display (LDC), plasma, or projection technologies. Digital signs are distinguished from electronic message centers by their video capabilities.
- ~~(14)~~(15) "Electronic message center" means a sign capable of displaying words or symbols that can be electronically or mechanically changed by remote or

automatic means. An electronic message center is considered a primary sign and may be either freestanding or building-mounted.

| ~~(15)~~(16) “Flashing” means pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. Flashing is not permitted in any zoning district.

| ~~(16)~~(17) “Frame effect” means a visual effect on an electronic message center applied to a single frame to transition from one message to the next. Such usage must comply with the 2-1-2 provision.

| ~~(17)~~(18) “Freestanding sign” means a single- or multiple-faced sign supported from the ground by one or more columns, uprights or braces. Freestanding signs include monument, pylon and pole signs.

| ~~(18)~~(19) “General promotions” means events which occur on a regular basis in retail business for the purpose of boosting sales, attracting new business, selling of certain items (i.e., year-end, seasonal sales, civic events, etc.).

| ~~(19)~~(20) “Grade” means the elevation or level of the street closest to the sign to which reference is made, as measured at the street’s centerline, or the relative ground level in the immediate vicinity of the sign.

| ~~(20)~~(21) “Grand openings and anniversaries” means events that are held on a once-per-year basis for the purpose of advertising grand openings, ownership changes, or anniversaries.

| ~~(21)~~(22) “Height” or “height of sign” means the vertical distance from the grade to the highest point of a sign or any vertical projection thereof, including its supporting columns, or the vertical distance from the relative ground level in the immediate vicinity of the sign.

| ~~(22)~~(23) “Incidental sign” means a single- or double-faced sign not exceeding four square feet in surface area of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, public telephone, etc. Also included are signs designed to guide pedestrian or vehicular traffic to an area or place on the premises of a business, building or development. Also included are building directories with the letters not to exceed four inches in height. (See OHMC 19.36.100.)

| ~~(23)~~(24) “Marquee” means a covering structure projecting horizontally from and attached to a building, affording protection from the elements to persons or property thereunder.

| ~~(24)~~(25) “Monument sign” means a primary freestanding sign, generally mounted on a solid base. Monument signs shall not contain or include reader boards.

| ~~(25)~~(26) “Multiple-occupancy building” means a single structure housing more than one type of retail business office or commercial venture.

| ~~(26)~~(27) “Multiple-occupancy complex” means a group of structures housing more than one type of retail business, office or commercial venture and generally under one ownership and control.

| ~~(27)~~(28) “Noncommercial public service sign” means noncommercial signs devoted to religious, charitable, cultural, governmental or educational messages, including, but not limited to, the advertising of events sponsored by a governmental agency,

a school, church, civic or fraternal organization or other organizations engaged in activities for profit.

| ~~(28)~~(29) “Occupant” means the person, firm or corporation that occupies the land or building.

| ~~(29)~~(30) “Office building” means an office building in the commercial and residential-office land use districts as defined by the Oak Harbor zoning ordinance.

| ~~(30)~~(31) “Parapet” means that portion of a building wall which extends above the roof of the building.

| ~~(31)~~(32) “Penthouse” means a structure on top of a building roof such as houses an elevator shaft or similar form.

| ~~(32)~~(33) “Pole sign” means a primary freestanding sign where the sign is supported by a pole or other similar structural element that is substantially narrower than the width of the sign.

| ~~(33)~~(34) “Political free speech sign” means a sign which promotes a position on a public or social issue.

| ~~(34)~~(35) “Primary sign or signs” means all signs, including freestanding signs, of a user which are not exempt (see OHMC 19.36.100), or which do not come within the category of incidental signs (see OHMC 19.36.030 and subsection (22) of this section) or temporary or special signs (see 19.36.080). The term “primary sign” is intended to include virtually all signs of a commercial nature.

| ~~(35)~~(36) “Property line” means the line denoting the limits of legal ownership of property.

| ~~(36)~~(37) “Pylon sign” means a primary freestanding sign other than a pole sign with the appearance of a solid base. The base of a pylon sign shall be distinctive in appearance from the sign area.

| ~~(37)~~(38) “Reader board” means a sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.

| ~~(38)~~(39) “Right-of-way” means either a publicly owned fee, an easement or privilege to traverse over land. A right-of-way is for public travel. Rights-of-way may be opened or unopened, and when open usually contain street improvements.

| ~~(39)~~(40) “Roof sign” means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building, including a sign affixed to any structure erected upon a roof, including a structure housing building equipment.

| ~~(40)~~(41) “Sign” means any letters, figures, design, symbol, trademark or device intended to attract attention to any activity, service, place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever. Sources of light used primarily to illuminate a sign, or a building, or ground surrounding the building, shall not be considered signs themselves; provided, however, that sources of light used primarily to attract attention to the light itself or as a decorative feature of the display shall be considered as part of the sign. Lighted canopies, with the exception of the signed portion, shall not be considered signs themselves. Excluded from the definition are official traffic signs or signals, sheriff’s notices, court notices or official public notices and the flag of a government or noncommercial institution, and signs not visible from the street or sidewalk (see

OHMC 19.36.100 for more detailed treatment of exempt signs), and religious symbols.

(41)(42) "Single-occupancy building" means a commercial building or structure with one major enterprise, generally under one ownership. A building is classified as single-occupancy only if:

- (a) It has only one occupant;
- (b) It has no wall in common with another building;
- (c) No part of its roof in common with another building.

(42)(43) Special Signs. See "Temporary and Special Signs."

(43)(44) "Special projection sign" means a sign no larger than six square feet projecting out from the side of a building.

(44)(45) "Street" means any automobile thoroughfare so designated by city ordinance. "Street" includes portions thereof used for parking.

(45)(46) "Subdivision signs" means signs used to identify a land development which is to be or was accomplished at essentially one time.

(46)(47) Surface Area. See "Area or surface area of sign."

(47)(48) "Surface area of facade" means the area of that front, side or back elevation, including doors and windows, but excluding any roof area and structures or elevators or air conditioning equipment thereon; provided, that in the case of a roof sign, the surface area of facade shall be the area of that front, side or back immediately beneath the roof, including doors and windows, but excluding the roof area and structures for elevators or air conditioning thereon.

(48)(49) Temporary and Special Signs. "Temporary and special signs" are those which are not defined as "primary signs" or "incidental signs" by this chapter. Different types of temporary and special signs include, but are not limited to, construction signs, grand opening displays, real estate signs, open house signs, residential land subdivision signs, subdivision directional signs, A-frame signs, political signs, and campaign signs (see OHMC 19.36.080).

(49)(50) Transitory signs. Transitory signs, also known as "human signs," are those carried by or worn by a human being usually for the purposes of a protest, demonstration, rally, or other similar event.

(50)(51) "Video" means the use of live action footage shot with a video camera or similar device which is sized to fit and be displayed by a digital sign n-electronic-message center or similar device. ~~The use of video is not permitted in any zoning district.~~

(51)(52) "Video board" means an electronically activated sign that creates the effect of motion or animation, except as allowed by this chapter for changing electronic message signs which are in compliance with the 2-1-2 provision, and the prohibition of RGB technology. ~~Video board signs are not permitted in any zoning district.~~

(52)(53) "Way open to public" means any paved or unpaved area on private property open to the general public for driving or parking.

(53)(54) "Window sign" means all signs located inside and affixed to or within three feet of windows of a building, whether temporary or permanent, except lighted signs of a commercial advertisement nature which may be viewed from the exterior of the building. The term does not include merchandise located within three feet of

a window. Lighted window signs shall be included in determining the number of primary signs and in determining the permissible sign area for each facade. Does not include incidental signs. (See OHMC 19.36.030.)

19.36.030 Business district signs – Zones CBD, CBD-1, CBD-2, C-3, C-4 and C-5.

- (1) General.
 - (a) In general, this city takes the view that signs should be scaled to the building to which the sign is related. Accordingly, in the following sections will be found regulations on the area, number and height of signs, which are a function of the size of the building to which the sign is related.
 - (b) Any single-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (6) of this section. No more than one freestanding sign is permitted per single-occupancy building unless the building faces on more than one street (see subsection (4) of this section), and is not a part of a multiple-building complex.
 - (c) Each occupant in a multiple-occupancy building in the business district shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) of this section except that no more than one freestanding sign is permitted per multiple-occupancy building unless the building faces more than one street (see subsection (4) of this section), and is not part of a multiple-building complex.
 - (d) Each occupant in a multiple-building complex in the business districts, which is composed of single- and/or multiple-occupancy buildings, shall be permitted the primary signs described in subsections (2) through (5) of this section and the incidental signs described in subsection (6) of this section except that no more than one freestanding sign is permitted per multiple-building complex, unless the building faces on more than one street. (See subsection (4) of this section.)
 - (e) Each enterprise shall display and maintain on-premises street address number identification. (See subsection (6) of this section.)
 - (f) A multiple-building complex encompassing at least five acres may display one complex identification sign along with each right-of-way which provides direct access to the complex. Each sign may not exceed 75 square feet in surface area and 25 feet in height. Each sign is subject to the sight distance requirements of the zoning ordinance.
- (2) Setback Limitations – Freestanding Signs. Except as otherwise provided in this section, the size of any freestanding sign shall not exceed the following limits, based on the setback of the sign from the front property line:

Minimum Setback: 5 feet from front property line

Maximum Area: 100 square feet (per side)

- (a) Sign Height – Freestanding Signs. Except as otherwise provided in this section, the height of any freestanding sign shall not exceed the following limits, based on the sign setback of the sign:

Maximum Height: 25 feet

A minimum height of eight feet from grade to the bottom of the sign is required, for signs greater than 48 square feet, to ensure adequate sight lines for signs closer than 10 feet to the front property line.

- (b) Facade Limitations, Building-Mounted Signs, Roof or Canopy-Mounted Signs. The surface area of any building-mounted sign and roof or canopy-mounted sign shall not exceed the figures derived from the following schedule:

Relevant Surface Area of Facade as Determined Pursuant to OHMC 19.36.020(40) (sq. ft.)	Maximum Sign Surface Area for That Facade
Below 100	25 percent of facade
100 – 199	26 sq. ft. + 11 percent of facade area over 100 sq. ft.
200 – 499	38 sq. ft. + 12 percent of facade area over 200 sq. ft.
500 – 999	75 sq. ft. + 11 percent of facade area over 500 sq. ft.
1,000 – 1,499	131 sq. ft. + 7.5 percent of facade area over 1,000 sq. ft.
1,500 – 2,999	169 sq. ft. + 2.5 percent of facade area over 1,500 sq. ft.
Over 3,000	206 sq. ft. + 1.5 percent of facade area over 3,000 sq. ft. to a maximum of 300 sq. ft.

In multiple-occupancy buildings the facade area for each occupant is derived by measuring only the surface area of the exterior facade of the premises actually used by the occupant, and the sign displayed by the occupant must be located on the facade used to determine the size of the sign, except as provided in this section.

Unused sign surface area for a facade may be used by any tenant or user within the same multiple-occupancy building, if:

- (i) The applicant files with the city a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area;
- (ii) The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade;
- (iii) The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

(c) **Sign Height – Building-Mounted Signs.** The height of any building-mounted sign shall not extend above the highest exterior wall of the building to which the sign relates.

(3) **Number of Primary Signs.** The permissible number of signs for each occupant is dependent upon the surface area of the largest single facade of the building that is under his control. The permitted number of signs is as follows (not including incidental signs):

Surface Area of Largest Facade	Maximum Number of Signs
Less than 999 sq. ft.	3
1,000 – 2,999	4
3,000 and over	5

Buildings or occupants with more than 3,000 square feet on any face, with several clearly differentiated departments, each with separate exterior entrances, are permitted one sign for each different department with a separate exterior entrance, in addition to the five allotted.

(4) **Buildings on More Than One Street.** Buildings facing on more than one street are entitled to a bonus in primary signage, depending on whether the building is on two intersecting streets or whether it extends through a block so as to face on two different parallel streets, as defined in subsections (4)(a) and (4)(b) of this section.

(a) **Buildings on Intersecting Streets.** When a building is located on intersecting streets, two freestanding signs are permitted if they are located on two different streets and are separated more than 100 feet measured in a straight line between signs. Otherwise, only one freestanding sign is

- permitted and must meet the setback limitation under subsection (2) of this section.
- (b) Buildings Facing on Two Parallel Streets. Single-occupancy buildings that extend through a block to face on two parallel streets with customer entrances on each street are permitted the sign area allowed under subsections (2)(a) and (2)(b) of this section, and the sign number under subsection (3) of this section for each end of the building facing on a street; provided, however, that no more than one freestanding sign is permitted per building unless such signs are located on two different streets and are separated more than 100 feet measured in a straight line between the signs. No more than two freestanding signs are permitted in such case.
- (5) Types and Placement of Primary Signs. The permissible types of primary signs, their placement and other limitations are as follows:
- (a) Freestanding Signs.
 - (i) Freestanding signs shall be wholly located within the center two-thirds of the frontage of the property on the street or 15 feet from the adjacent property line, whichever provides the longer distance from the closest part of the sign to the adjacent property line; provided, however, that a freestanding sign may be located within five feet of the property line with the written consent of the title holder of the adjacent property. If such consent is obtained, the consenting party or his successors or assigns may not place a freestanding sign on his property within 20 feet of the first freestanding sign.
 - (ii) A freestanding sign located five feet from the property line shall be wholly behind the five-foot setback, and a freestanding sign located at the building line shall be wholly behind the building line.
 - (iii) Any freestanding sign must be integrated. That is, all elements of the sign must be incorporated in a single design. Auxiliary projections or attachments not a part of a single design are prohibited.
 - (b) Building-Mounted Signs.
 - (i) Any building-mounted sign shall not project more than five feet from the face of the building to which the sign is attached. Any structural supports shall be an integral part of the design or concealed from view.
 - (ii) Any building-mounted signs shall be limited in content and message to identifying the building and the name of the firm, or the major enterprise, and principal product and/or service information.
 - (iii) Special projection signs are permitted within the CBD and are allowed in addition to permitted signage. Special projection signs are limited to one per business and shall be attached to the building. The bottom of the sign shall be at least seven feet above the sidewalk.
 - (c) Roof Signs.
 - (i) All such signs must be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be a part of the building itself.

- (ii) All roof signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.
- (d) Canopy Signs.
 - (i) All such signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building itself.
 - (ii) All canopy signs shall be installed or erected in such a manner that there shall be no visible angle-iron support structure.
- (e) Monument Signs. Monument signs shall not exceed eight feet in height measured from the finished grade to top of the sign and not exceed 32 square feet in area. Monument signs shall be located within the center two-thirds of street frontage. Signs may be located up to the front property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.
- (f) Pylon Signs.
 - (i) Pylon signs shall not exceed 10 feet in height measured from the finished grade to top of the sign and not exceed 48 square feet in area. Pylon signs shall be located within the center two-thirds of street frontage. Signs may be located up to the property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.
 - (ii) If a pylon sign is used instead of a pole sign an additional 15 percent of wall signage area over that than otherwise permitted shall be allowed. The additional square footage may be used on any facade that permits wall signage.
- (g) Electronic Message Center Signs. Stationary electronic message center signs and other changeable copy signs may be incorporated in the permanent signage for a business or development in the C-3, C-4 and C-5 zoning districts. Said signs shall meet the following standards:
 - (i) The sign shall follow the standards established in subsections (2) through (5) of this section;
 - (ii) Only one such sign shall be used in a development and it shall not exceed 50 percent of the sign area for that sign;
 - (iii) The electronic message center sign shall be included in the maximum number of signs or sign area allowed for the business or development;
 - (iv) The sign shall be constructed as an integral part of a permanent sign constructed on site, except as permitted under subsection (5)(g)(xiii) of this section. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign;
 - (v) Electronic message center signs may be used only to advertise activities or goods or services available on the property on which the sign is located, or to present public service information;
 - (vi) No segmented message shall last longer than 12 seconds;

- (vii) Only those changing electronic message signs utilizing monochrome colors such as white, red or amber shall be permitted. No RGB (red-green-blue) technologies or other multicolored display shall be permitted in an electronic message center sign in a manner that would create a video board. This subsection does not prohibit the use of color in a sign that is not a video board;
- (viii) No changing electronic message center may contain the use of animation, video or flashing as defined in this chapter;
- (ix) Changing electronic message signs shall maintain a 2-1-2 transition frequency. "2-1-2" means a message display time of a minimum of two seconds, a transition time between messages of a maximum of one second, followed by a message display time of a minimum of two seconds with all segments of the total message to be displayed within 10 seconds. Displays which scroll onto the signboard must hold for a minimum of two seconds including scrolling. Frame effects may be used for the purpose of transition;
- (x) Electronic message center signs shall come equipped with automatic dimming technology which automatically adjusts brightness because of ambient light conditions;
- (xi) The owners of electronic message center signs shall include a signed letter accompanying their permit application, certifying that they will not tamper with the manufacturer preset automatic brightness levels on such signs;
- (xii) For locations adjacent to a residential use or district electronic displays shall be turned off between the hours of 10:00 p.m. and 6:00 a.m.;
- (xiii) A single, portable (nonstationary) electronic message center sign may be located in the window of a business subject to the provisions of subsection (5)(g) of this section. The portable sign shall comply with the provisions of subsections (5)(g)(v) through (ix) of this section.

(h) Digital signs. Stationary digital signs may be incorporated in the permanent signage for a business or development in the C-1, C3, C4, C5, I, PIP, PBP, and PF zones. Said signs shall meet the following standards:

- (i) Digital signs must follow the standards established in subsections (2) through (5) of this section, except where further modified by the specific provisions pertaining to digital signs in this subsection;
- (ii) Size. Digital signs shall be included in the maximum sign area allowed for the business or development; However, in no case shall a digital sign exceed 100 square feet in size. Additionally, digital signs can comprise 100 percent of a building mounted primary sign, no more than 75 percent of a monument primary sign, and no more than 50 percent of a pole or pylon primary sign. For freestanding signs, digital signs shall be constructed as an integral part of a permanent sign constructed on site. "Integral" shall be considered to be incorporated into the framework and architectural design of the permanent sign;

- (iii) Digital signs may be used only to advertise activities or goods or services available on the property on which the sign is located, or to present public service information.
- (iv) Video and motion. Video and motion are allowed on digital signs. So as not to constitute a traffic distraction, such video must be steady and avoid shaking, trembling, quavering, or quaking effects. Video and motion displays cannot portray action or movement at speeds faster than what occurs in real life. Displays shall not appear to flash, undulate, or pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights. Scrolling or moving text is prohibited;
- (v) Color. Color may be used in digital signs. White backgrounds which are bright and distracting to traffic are prohibited.
- (vi) Display changes. To avoid abrupt and distracting effects, displays of graphics or text must transition within one second and no less than 0.5 seconds. Instantaneous changes of colors, graphics, or text are prohibited. This provision shall not be interpreted to prohibit normal speed videos.
- (vii). Malfunction. If the digital sign malfunctions so as to affect the normal function and display of the sign, the sign is required to be turned off until function has been restored.
- (viii) Number. Only one digital sign is allowed per property. Multitenant buildings on a single property are permitted a single digital sign.
- (ix) Orientation. Freestanding digital signs must be directed away from adjacent residentially zoned or open space zoned properties. For the purposes of this provision, adjacent is defined as all bordering properties or properties across a public right-of-way from where the digital sign is located. No digital sign may be located closer than 100 feet from residentially zoned or open space zoned properties.
- (x) Hours of operation. Digital sign displays must be turned off between the hours of 10:00 p.m. and 6:00 a.m when located adjacent or across a public right-of-way from residentially zoned property.
- (xi) Luminance. Digital signs shall come equipped with automatic dimming technology. Owners of digital signs shall include a signed letter accompanying their permit application, certifying that they will not tamper with the settings of the sign so as to exceed the brightness standards as follows:

<u>Zone</u>	<u>Luminance/brightness Level</u>
<u>C1</u>	<u>1,000 nits night/8,000 nits day</u>
<u>C3</u>	<u>Not unreasonably bright so as to cause glare</u>
<u>C4</u>	<u>Not unreasonably bright so as to cause glare</u>
<u>C5</u>	<u>Not unreasonably bright so as to cause glare</u>
<u>I</u>	<u>1,000 nits night/8,000 nits day</u>
<u>PIP</u>	<u>1,000 nits night/8,000 nits day</u>
<u>PBP</u>	<u>1,000 nits night/8,000 nits day</u>
<u>PF</u>	<u>1,000 nits night/8,000 nits day</u>

- (6) Incidental Signs. “Incidental signs” means signs less than four square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designed to guide or direct pedestrian or vehicular traffic to an area, place or convenience; designating restrooms, address numbers, hours of operation, entrances to a building, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business, building or development by means of a directory designating names and addresses only.
- (7) Directional Signs. Directional signs to give the traveling public specific information as to gas, food or lodging available on a crossroad with the state highway may be erected in accordance with RCW 47.42.046 and 47.42.047.
- (8) Gasoline Price Signs. Gasoline price signs shall be located greater than five feet from the property line and must be permanently anchored. Such signs may be freestanding, may be attached to marquees or canopy columns, or may be reader boards. The sign area shall not exceed 20 square feet, and no more than one such sign for each street frontage is permitted. Gasoline price signs shall not be included in determining the number of primary signs, nor in determining the permissible number of freestanding signs.
- (9) Window Signs. The total surface area of all window signs excluding lighted signs shall not exceed 50 percent of the window area. Such signs shall not be included in determining the number of primary signs, nor in determining the permissible sign area for each facade. Window signs do not require permits.
- (10) Signs for Nonconforming Buildings or Uses. There remain in the city some buildings which were built prior to enactment of Oak Harbor’s present zoning ordinance. Generally, under the city zoning ordinances, these legal nonconforming buildings or uses are allowed to remain unless they are altered or improved. As few of these nonconforming buildings are located behind the building line as determined by ordinances currently in effect, almost no signing would be possible under the foregoing sign code provisions. Therefore, this section provides for a partial relaxation of the standard sign requirements for signs on legal nonconforming buildings, only so long as the buildings or uses remain legally nonconforming under provisions of the Oak Harbor zoning code.

- (11) Permitted Signs on Legally Nonconforming Buildings. All provisions of the sign code for business district signs apply to signs on nonconforming buildings or uses with the following exceptions:
- (a) Building-mounted signs may project over the building line, but shall not approach a street closer than five feet. Such signs may extend five feet from the face of the building to which attached and shall have a maximum clearance over sidewalk below of eight feet, six inches.
 - (b) Legally nonconforming buildings are allowed the same sign area as other buildings zoned as commercial districts, as per this section.

19.36.040 Residential/office district and neighborhood commercial district signs – RO and C-1 zones.

- (1) General. This section applies only to office and apartment buildings in RO and buildings in C-1 zones of the city. Such buildings in other zones are governed by the sign regulations of the applicable zone. As the RO and C-1 zones are primarily placed as a buffer between CBD, C-3, C-4 and C-5 business district zones and residential zones, the permissible signs are scaled down from those allowed in business districts.
- (2) Setback Limitations – Freestanding Signs. The size of any freestanding sign in an RO or C-1 district shall not exceed the following limits, based on the sign setback of the sign:

Minimum Setback: 5 feet from front property line

Maximum Area: 35 square feet (per side)

- (a) Sign Height – Freestanding Signs. The height of any freestanding sign in an RO or C-1 district shall not exceed the following limits, based on the sign setback of the sign:

Maximum Height: 15 feet

- (b) Facade Limitations – Building-Mounted Signs, Roof and Canopy-Mounted Signs. The surface area of any building-mounted sign and roof or canopy-mounted sign in the RO and C-1 districts shall not exceed the figures derived from the following schedule:

Relevant Surface Area of Facade as Determined Pursuant to OHMC 19.36.020(40) (sq. ft.)	Maximum Sign Surface Area for That Facade
Below 100	20 percent of the sign area
100 – 199	21 sq. ft. + 9 percent of facade area over 100 sq. ft.
200 – 499	30 sq. ft. + 10 percent of facade area over 200 sq. ft.
500 – 999	60 sq. ft. + 9 percent of facade area over 500 sq. ft.
Over 1,000	105 sq. ft. maximum

In multiple-occupancy buildings the facade area for each occupant is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or user, and the sign displayed by that tenant or user must be located on the facade used to determine the size of the sign, except as provided in this section.

Unused sign surface area for a facade may be used by any tenant or user within the same multiple occupancy building, if:

- (i) The applicant files with the city a written statement signed by the tenant or user permitted to utilize that sign area under this code permitting the applicant to utilize the unused sign surface area;
- (ii) The display of a sign on that facade by the nondependent sign user will not create a significant adverse impact on dependent sign users of that facade;
- (iii) The display of the nondependent sign is necessary to reasonably identify the use, and the provisions of this code do not provide the use with adequate sign display options.

In no case may the maximum sign surface area permitted on a building facade be exceeded.

- (c) **Sign Height – Building-Mounted Signs.** No building-mounted sign in the RO or C-1 district, regardless of type, shall exceed a height of 20 feet above grade, or above the height of the building to which it is attached, whichever is less.
- (d) **Limitation.** Any freestanding or building-mounted sign located in these districts shall be limited in content and message to identify the building and the name of the firm, or the major enterprise, and the principal service or product of the business without references to prices or the characteristics of the product or services offered.

- (3) Number of Signs. In the RO and C-1 districts no more than two primary signs are permitted for buildings facing on one street, only one of which may be freestanding. Buildings or building complexes on street corner locations may have two freestanding signs only if they are located on two different streets and are separated more than 100 feet, measured in a straight line between the signs. Buildings or building complexes which extend a block to face on two parallel streets are permitted two primary signs on each street, only one of which may be freestanding for each street.

For purposes of determining the limit on number of signs for apartments, a single apartment complex, regardless of the number of buildings, shall be considered one building.

- (4) Types and Placement. Within RO and C-1 districts the permissible types of signs, their placement and other limitations are as follows:
- (a) Freestanding Signs. Requirements are identical to OHMC 19.36.030(5)(a), except that advertising shall not be permitted.
 - (b) Building-Mounted Signs. Requirements are identical to OHMC 19.36.030(5)(b), except that advertising shall not be permitted.
 - (c) Electronic Message Center Signs. These signs are allowed only in the C-1 district. Requirements are identical to OHMC 19.36.030(5)(g).
 - (d) Incidental Signs. In addition to the permitted primary signs, each building or complex of buildings is permitted the incidental signs as described and limited in OHMC 19.36.030(6).
 - (e) Street Address Identification. Each building or complex of buildings shall display and maintain on-premises street address number identification.
 - (f) Signs or portions of signs indicating premises for rent (e.g., "Apartment for Rent," "Apartment Available," "Vacancy," "Now Renting," "Free Rent," etc.) shall not exceed a surface area of six square feet and many remain up until the premises are sold or rented.
 - (g) The illumination of any sign in the RO and C-1 districts shall be shaded, shielded, directed or reduced so that it is not visible from a public street or adjoining residential property.
 - (h) Legal nonconforming signs same as OHMC 19.36.030(10) and (11).
 - (i) Monument signs shall not exceed six feet in height measured from the finished grade to top of the sign and not exceed 32 square feet in area. Monument signs shall be located within the center two-thirds of street frontage. Signs may be located up to the property line when there is no sight visibility obstruction from driveways or intersections caused by placement of the sign.

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

Section Four. Effective Date. This Ordinance shall be in full force (5) five days following publication.

PASSED by the City Council this _____ day of _____ 2013.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest:

Approved as to Form:

Valerie J. Loffler, City Clerk

Grant K. Weed, Interim City Attorney

Introduction:

Adopted:

Published:

2012

Comprehensive Plan Amendment

Scenic Views

Public Meeting

CITY OF OAK HARBOR

TO: PLANNING COMMISSION
FROM: CAC KAMAK, SENIOR PLANNER
SUBJECT: 2012 COMPREHENSIVE PLAN AMENDMENTS – SCENIC VIEWS
DATE: 4/17/2013
CC: STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

Background: The City Council approved a study on scenic views in the 2012 Comprehensive Plan Amendment Docket. The study was intended to identify views that are currently available today and determine whether specific regulations are required to help preserve some of them for future generations.

Through a community wide input process and staff research, 27 views were identified for initial review. The Planning Commission reviewed the 27 views (Exhibit 1) and further narrowed the list to 9 scenic views at the January 26, 2013 meeting. The selected views are listed below. Staff will discuss the views in more detail at the meeting and present views from Google Maps and Google Earth along with photographs to determine the extents of the views and encourage discussion on ideas for protection.

1. Northbound SR 20 – Scenic Heights Street to Erie Street. This is a great entryway view into the community for the north bound traffic on SR 20. The highway drops down in elevation from the Swantown Avenue intersection and curves around the intersection on Scenic Heights as the view of Mt. Baker appears beyond the city landscape.
2. Waterfront Trail – Windjammer Park. The trail runs along the shoreline providing open views of the water and the mountains. There are some structures that can potentially be removed to improve the view. Additional guidelines can be discussed regarding landscaping or future structures.
3. Waterfront Trail – Flintstone Park. The trail continues along the shoreline in Flintstone Park providing open views of the water, marina and the mountains.
4. Bayshore Drive – Dock Street to Midway Blvd – This is a section of Bayshore Drive, along with the waterfront trail has open views of the water. There is a portion of Bayshore Drive currently with some natural vegetation that blocks some views.
5. Pioneer Way – Midway Blvd to Regatta Drive – This is also a section of roadway and trail that has an open view of the water. The shoreline has intermittent vegetation that are scattered along this stretch. Depending on the extents of the right-of-way, the vegetation may be on private property since properties across the street extend in to the tidelands.

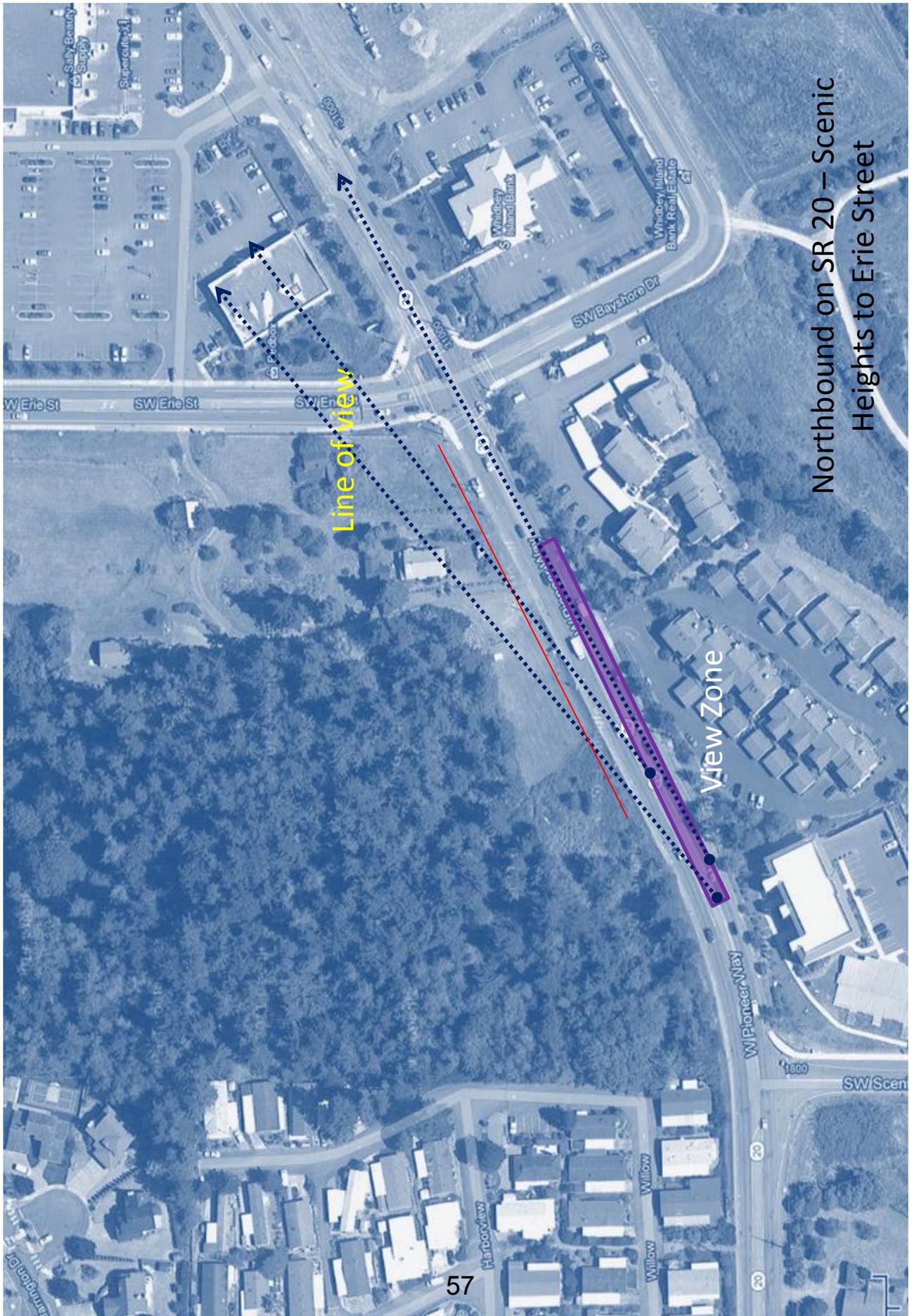
6. Regatta Drive – SE 8th Avenue to Pioneer Way – This is another side entryway view into the community for people entering via Regatta Drive. The views of the marina and the water start to appear to the southbound traffic after SE 8th Avenue. The elevation drops down from there so the views are above the buildings. The view starts to be blocked close to SE 10th Avenue.
7. Southbound SR 20 at NE 16th Avenue – This is a great entryway view into Oak Harbor for the south bound traffic. The snow capped Olympic Mountains are visible as one approaches the NE 16th Avenue intersection on the highway. The view fades dew to drop in elevation after the Best Western Inn.
8. Pioneer Way – Ireland Street to Midway Blvd – This is a great view of the water from Pioneer Way. The views here are across private property.
9. Dock Street – Barrington Drive to Bayshore Drive – There is a wider view of the bay from the top of Dock Street close to Barrington Drive. As the elevation drops the view becomes narrower and narrower due to the existing structures. The Planning Commission wanted to maintain a visual connection with the water from Dock Street.

In order to determine whether specific regulations are necessary to protect the above listed views, it is important to identify the extents of view that needs protection. Attached are a few aerial photographs with some view zones and sight lines identified. Additional photographs of the views will be presented at the meeting for discussion.

EXHIBIT 1

	Views	Rating Score (First round)	Qualified (Y/N) (Second round)	Reason
1	Northbound SR 20 – Scenic Heights to Erie	350	Y	View from public highway (SR20)
2	Northbound SR 20 – Swantown to Scenic Heights	300	N	Private property zoned R-4 would only be a peek-a-boo even with new zoning regs for landscaping & setbacks
3	Scenic Heights Trailhead	325	N	View is already across public property so view already preserved
4	SW Freund Street	275	N	Private property and plat already has height restrictions
5	Waterloo Rd & Scenic Heights	175	N	Volume of traffic not enough to merit City intervention to protect view
6	Swantown – Kimball to SR 20	200	N	Private property zoned R-4 would only be a peek-a-boo even with new zoning regs for landscaping & setbacks
7	Swantown & Fireside Lane	125	N	Already developed private property/only a peek-a-boo view
8	Barrington Drive and Fleet Street int	175	N	Private property and plat already has height restrictions
9	Fleet Street	225	N	Steep elevation drop any construction will not obstruct view/Private property and plat already has height restrictions
10	Barrington Drive and Fairhaven int	175	N	Private property and plat already has height restrictions
11	Waterfront Trail – Windjammer Park	400	Y	City property can self regulate
12	Waterfront Trail – Flintstone Park	400	Y	City property can self regulate/think about Walrath properties and how view could be affected in future
13	Bayshore Drive – Dock to Midway	450	Y	City property can self regulate
14	Pioneer Way – Midway to Regatta	450	Y	City property can self regulate
15	Pioneer Way – Ireland to Midway	300	Y	Private property – work with

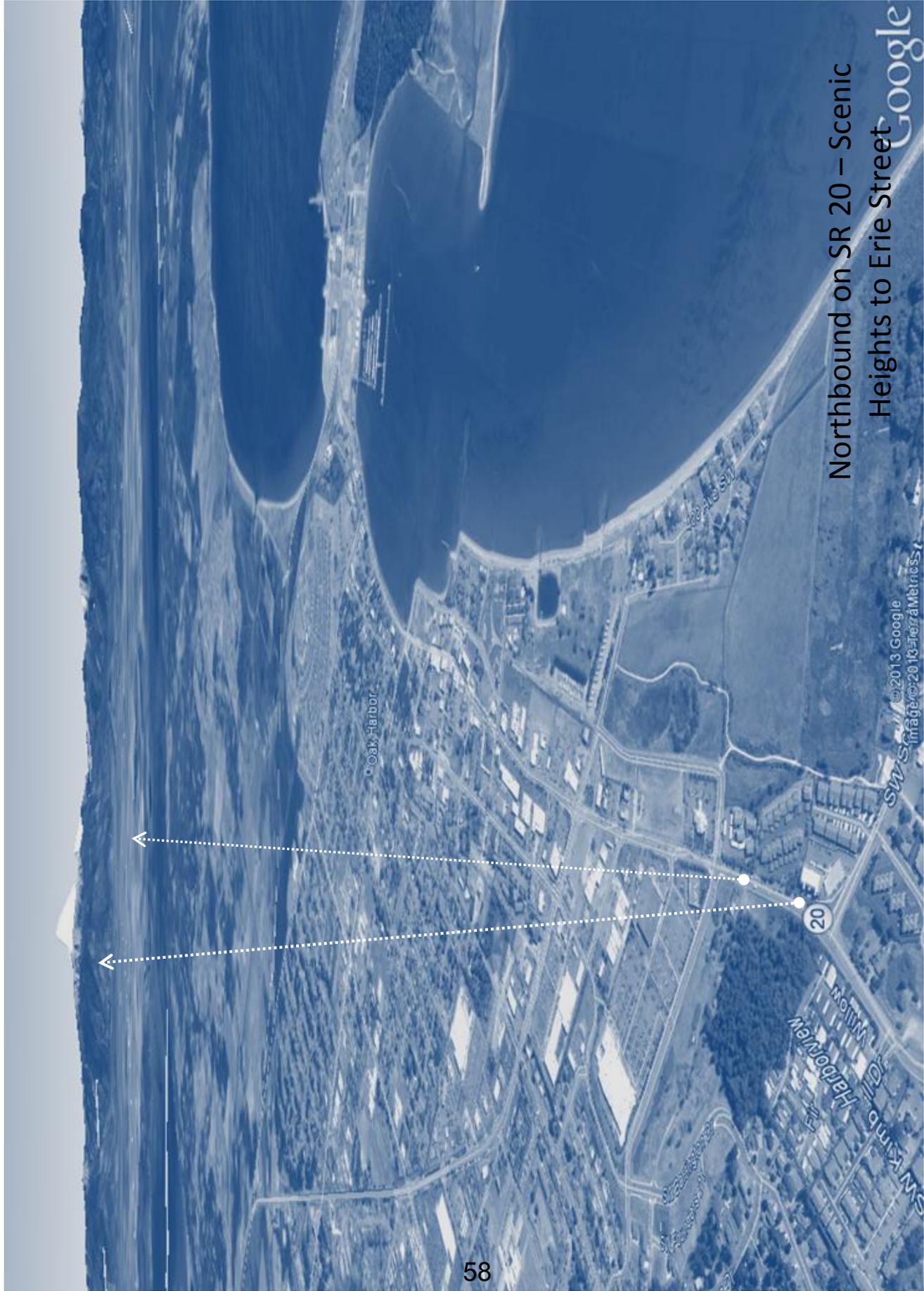
	Views	Rating Score (First round)	Qualified (Y/N) (Second round)	Reason
				property owner to preserve view through incorporating design elements to preserve view (provide walkway)
16	Pioneer Way – SR 20 to City Beach	200	N	Private property/only a peek-a-boo view
17	Jensen Street	175	N	Volume of traffic not enough to merit City intervention to protect view
18	Midway Blvd – SE 8 th to Midway	250	N	Would only be a peek-a-boo and view opens up when you reach Midway Blvd and move on to Bayshore Drive
19	Regatta Drive – SE 8 th to Pioneer Way	450	Y	View from public street, city can regulate landscaping to keep the view
20	Skagit Valley College parking lot	150	N	Steep elevation drop any construction will not obstruct view
21	Crosby Ave by Cathlamet Drive	175	N	View of Mt. Baker already high enough it will be protected
22	Crosby Ave by Prow Street	75	N	North side of street is County property and outside of City UGA, south side is City limits and UGA
23	Airline Way	175	N	View is across County property
24	SW 6 th and Dyer	175	N	View across school property
25	Southbound SR 20 and NE 16 th Ave	350	Y	View from public street, city can regulate landscaping to keep the view
26	Dock Street – Barrington to Bayshore	375	Y	Preserve connectivity to water
27	Ft Nugent Avenue – Quince St to Neinhuis St	350	N	Setbacks and street tree height can be regulated to preserve view



Northbound on SR 20 – Scenic Heights to Erie Street

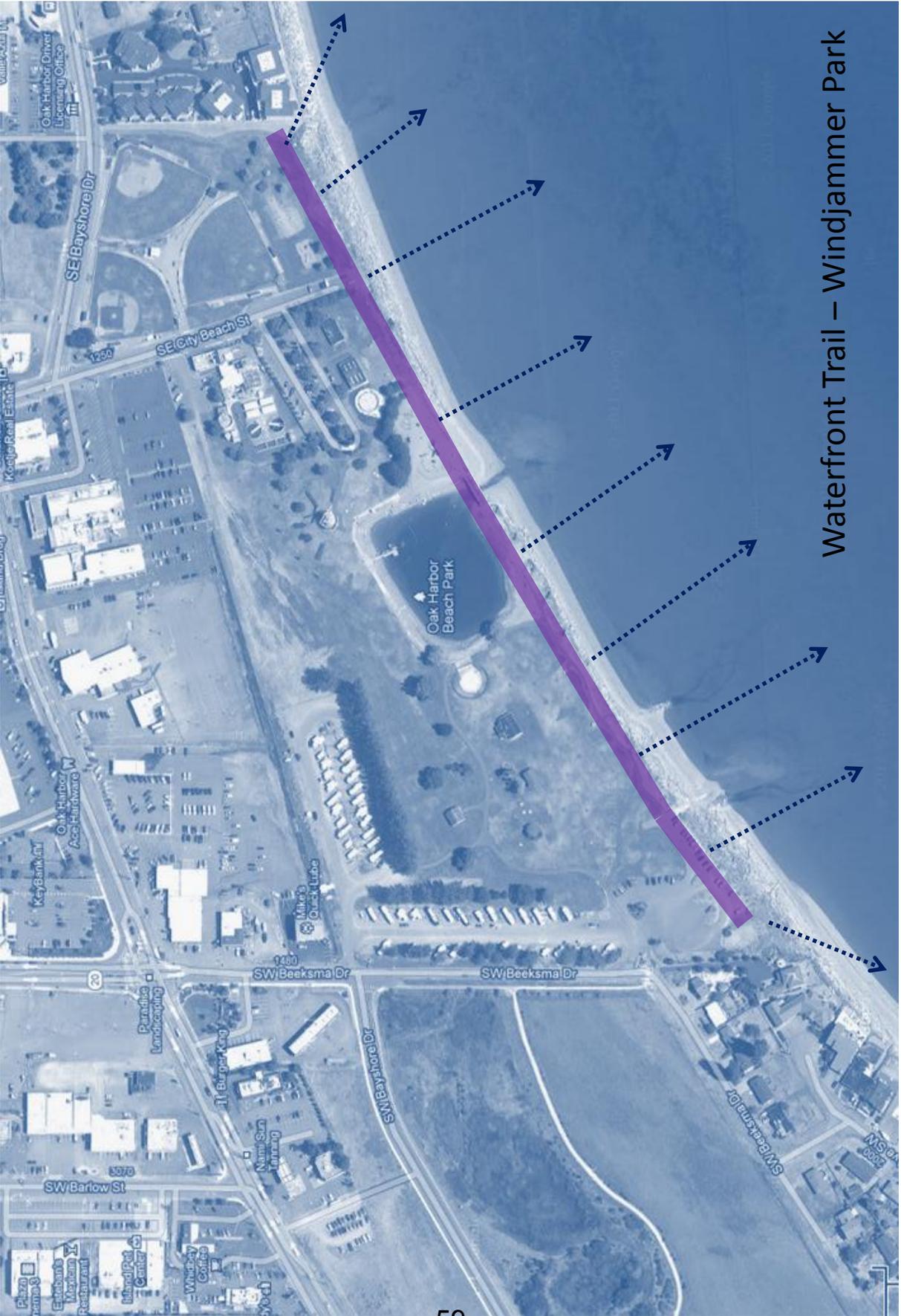
View Zone

Line of View

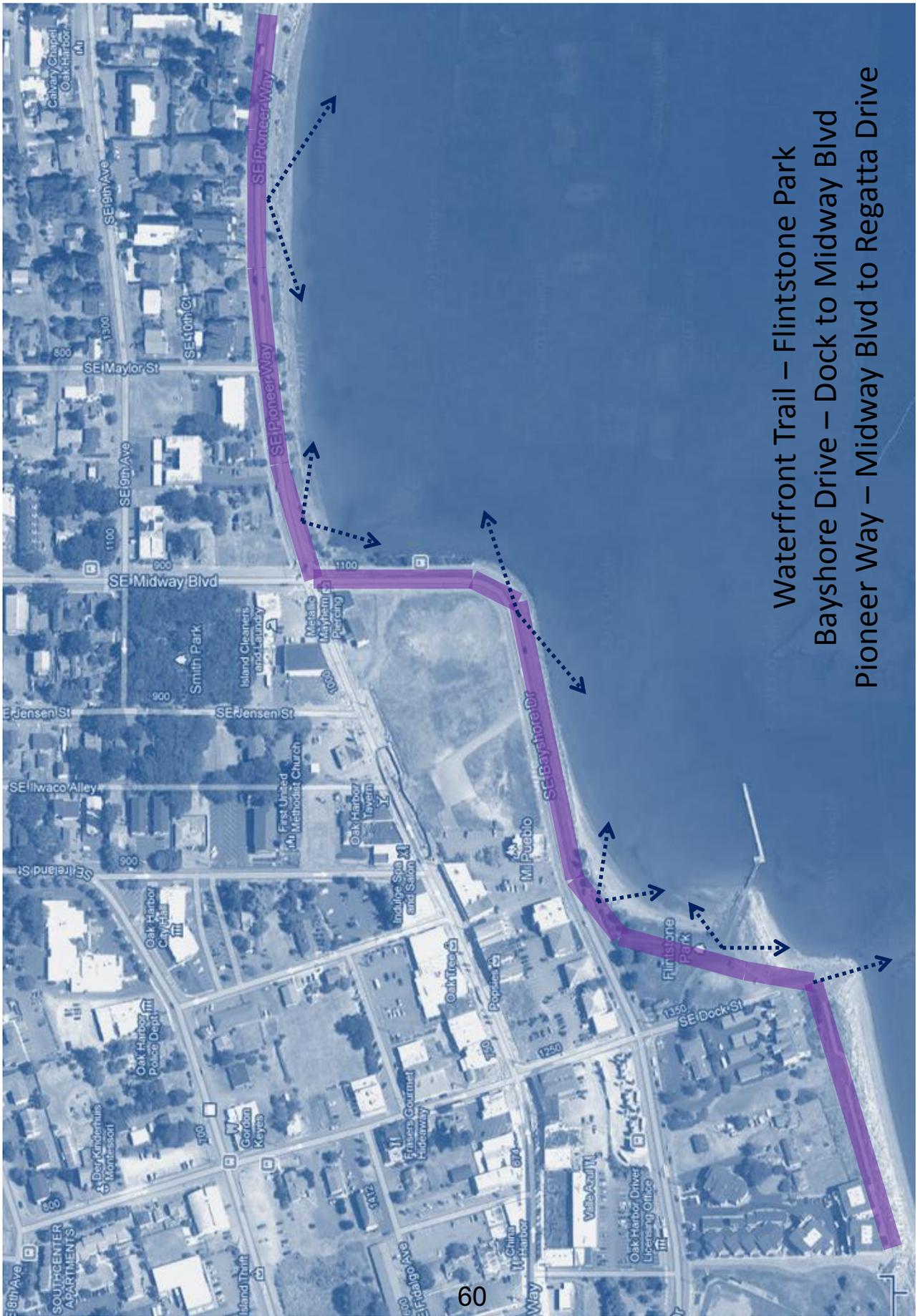


Northbound on SR 20 – Scenic Heights to Erie Street

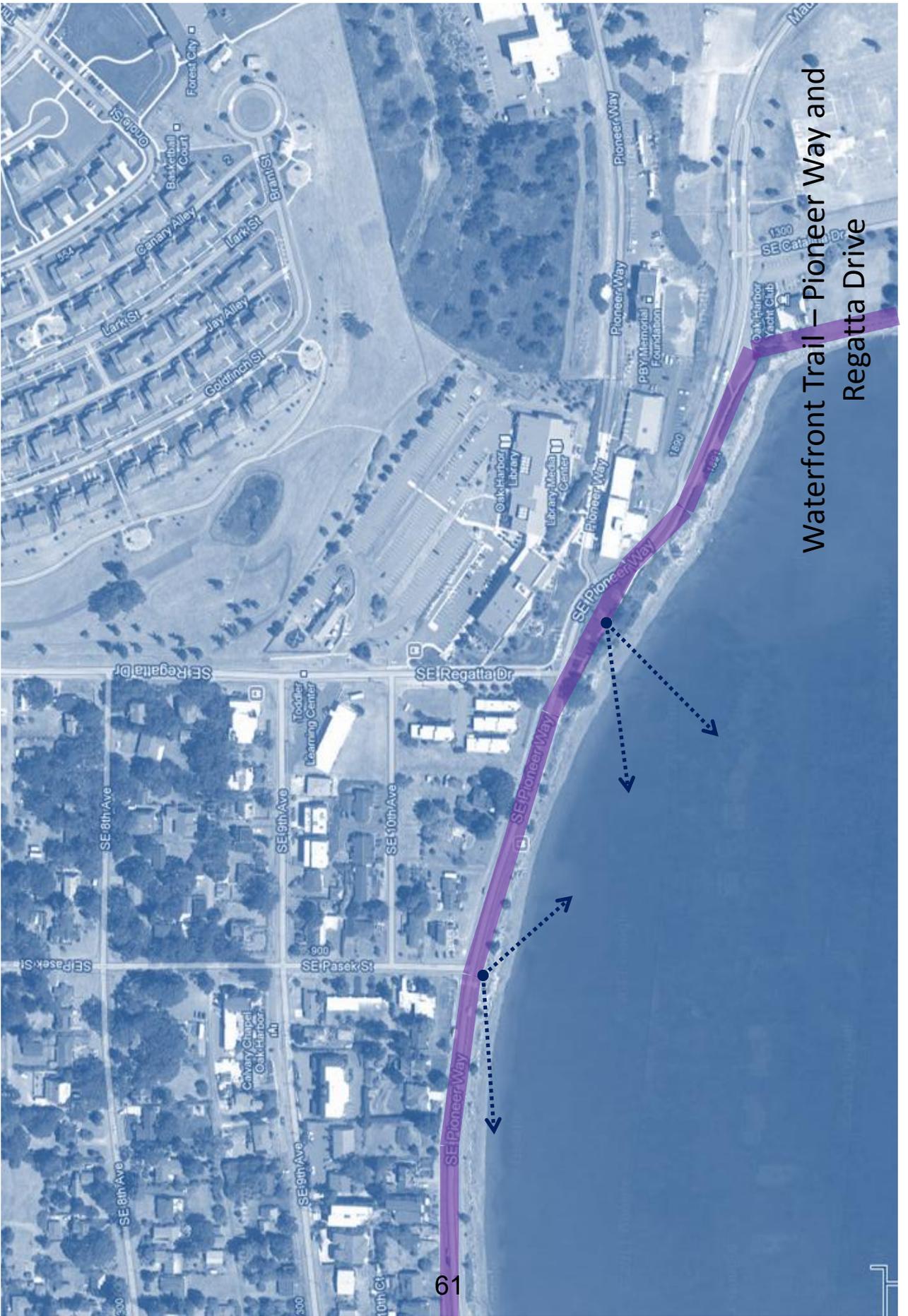




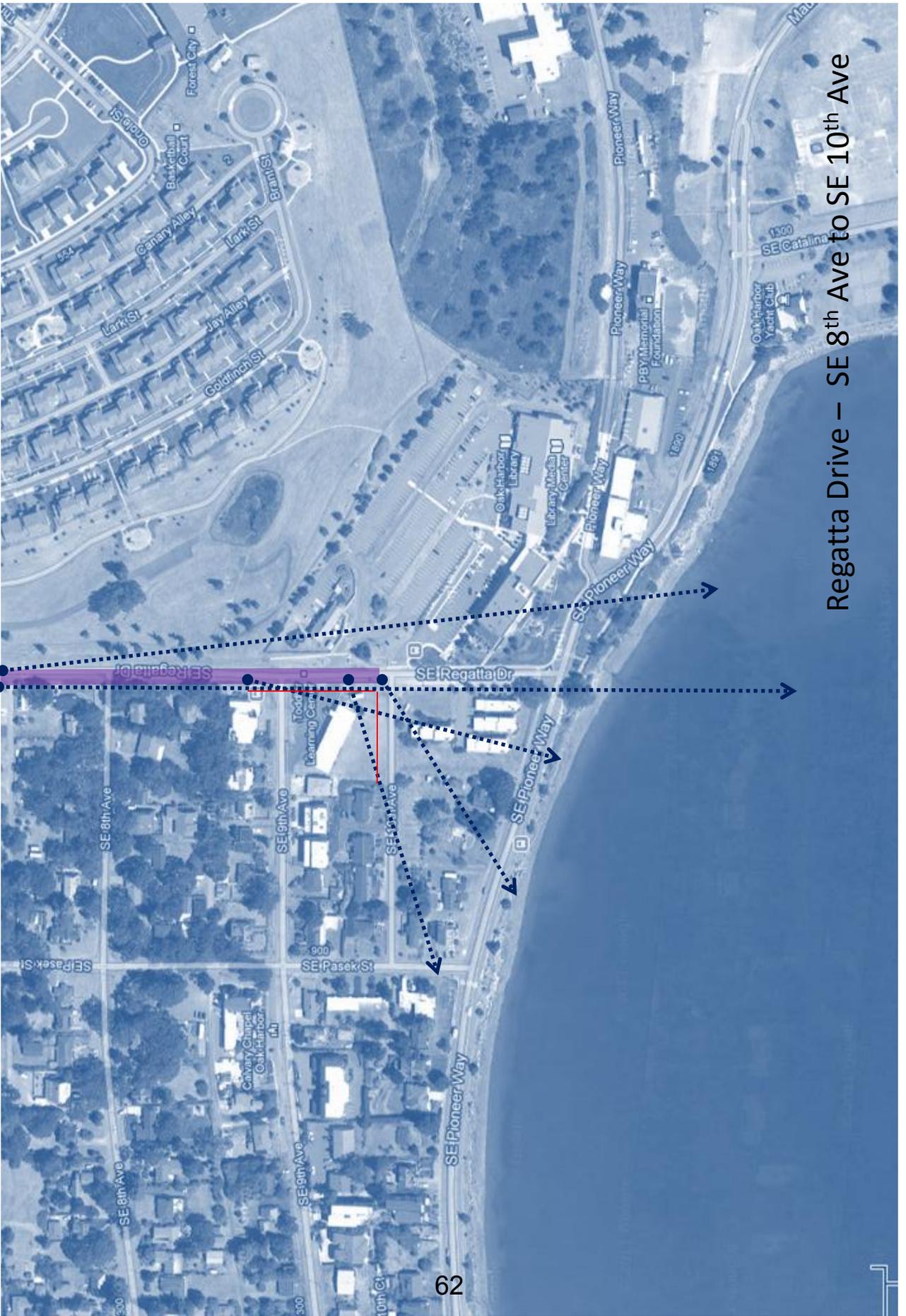
Waterfront Trail – Windjammer Park



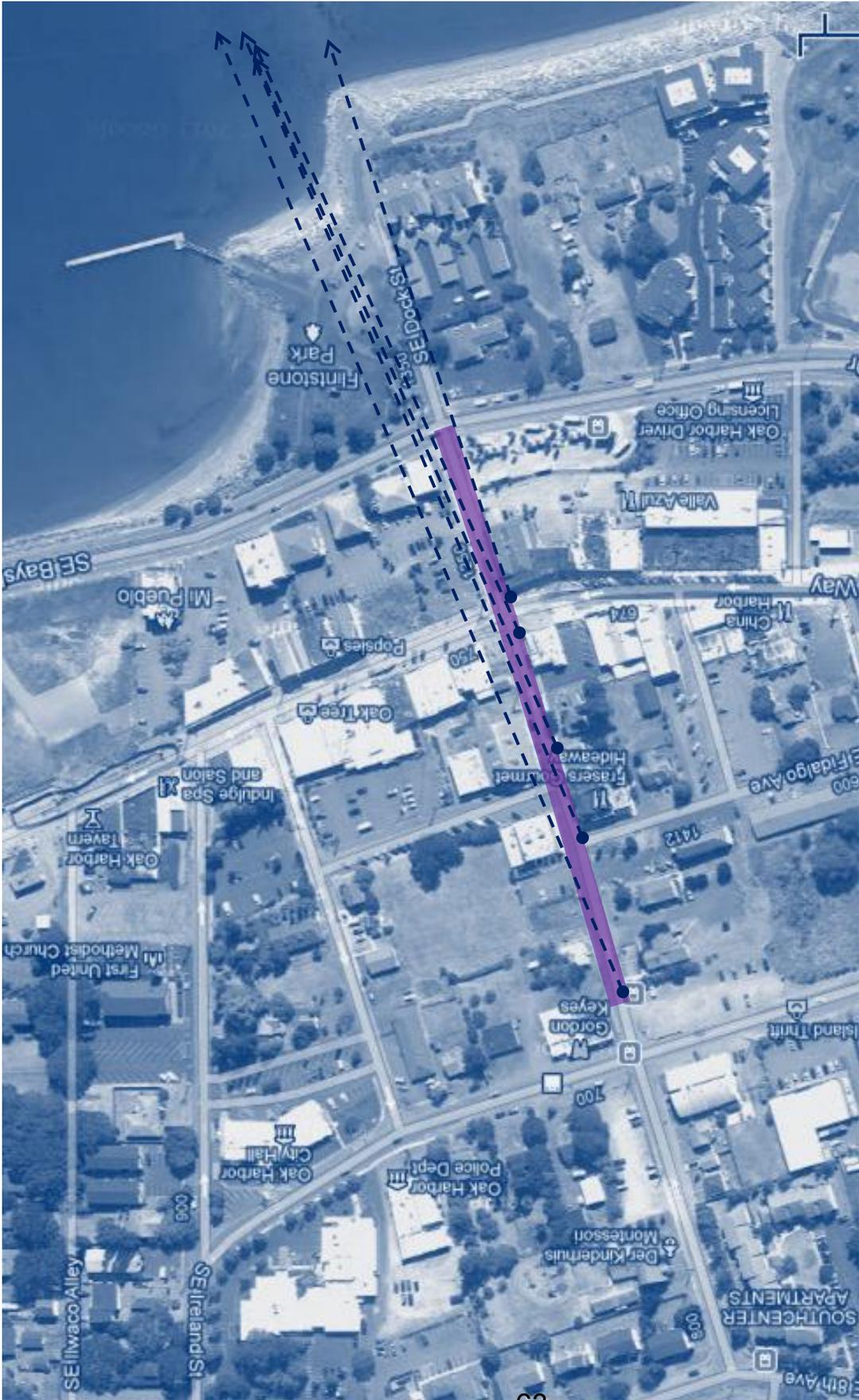
Waterfront Trail – Flintstone Park
Bayshore Drive – Dock to Midway Blvd
Pioneer Way – Midway Blvd to Regatta Drive



Waterfront Trail – Pioneer Way and
Regatta Drive



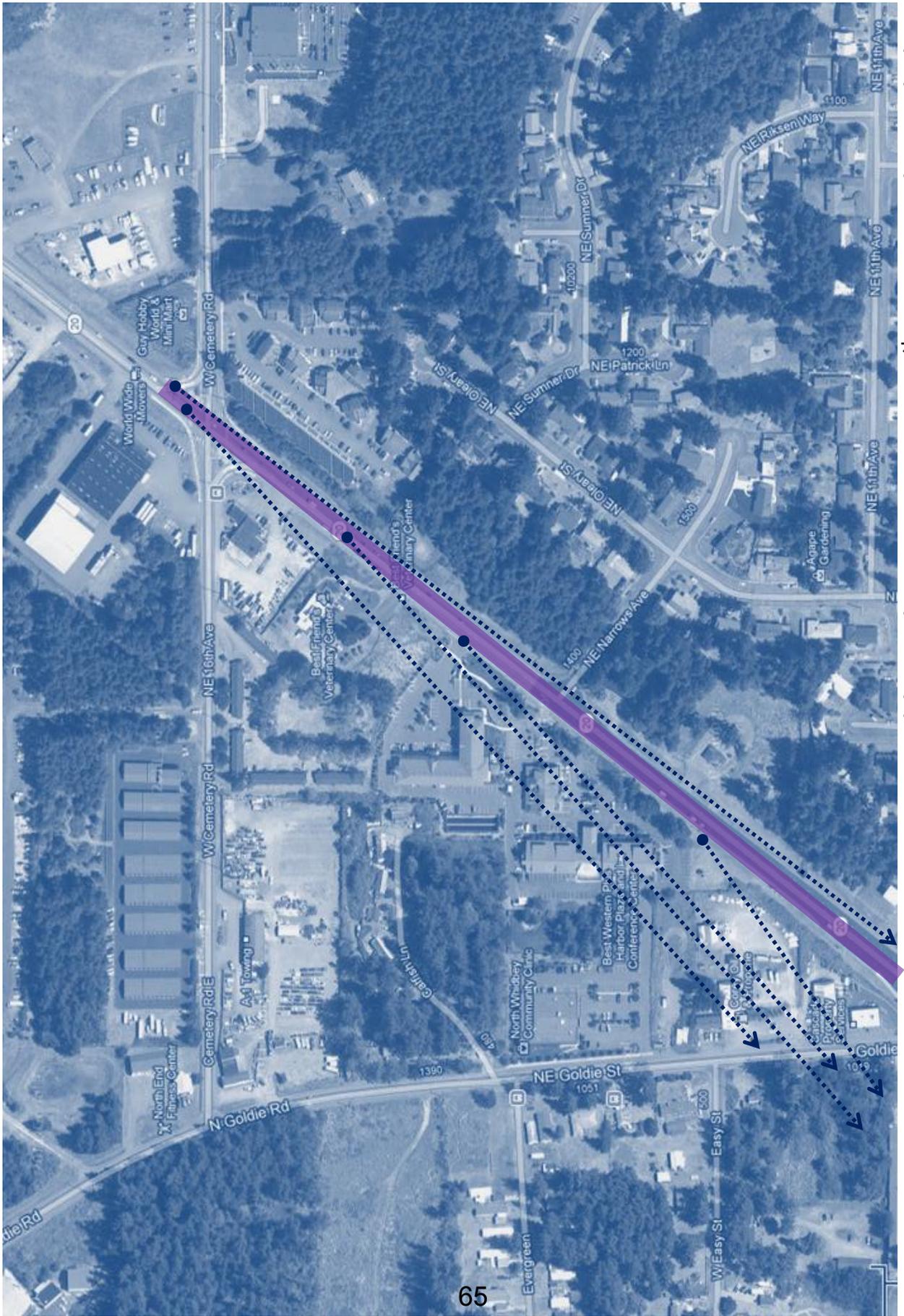
Regatta Drive – SE 8th Ave to SE 10th Ave



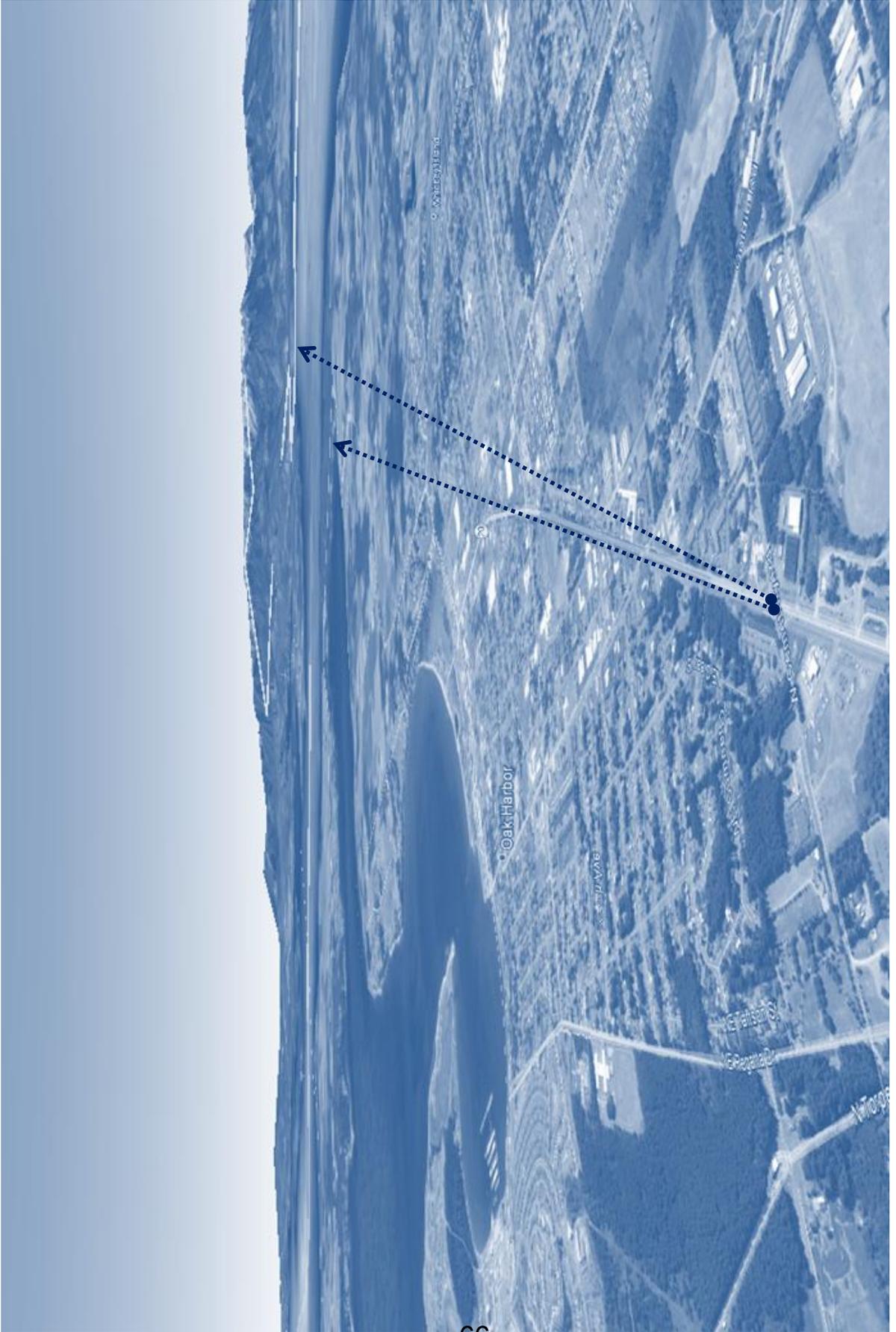
Dock Street– Barrington Drive to SE 10th Ave



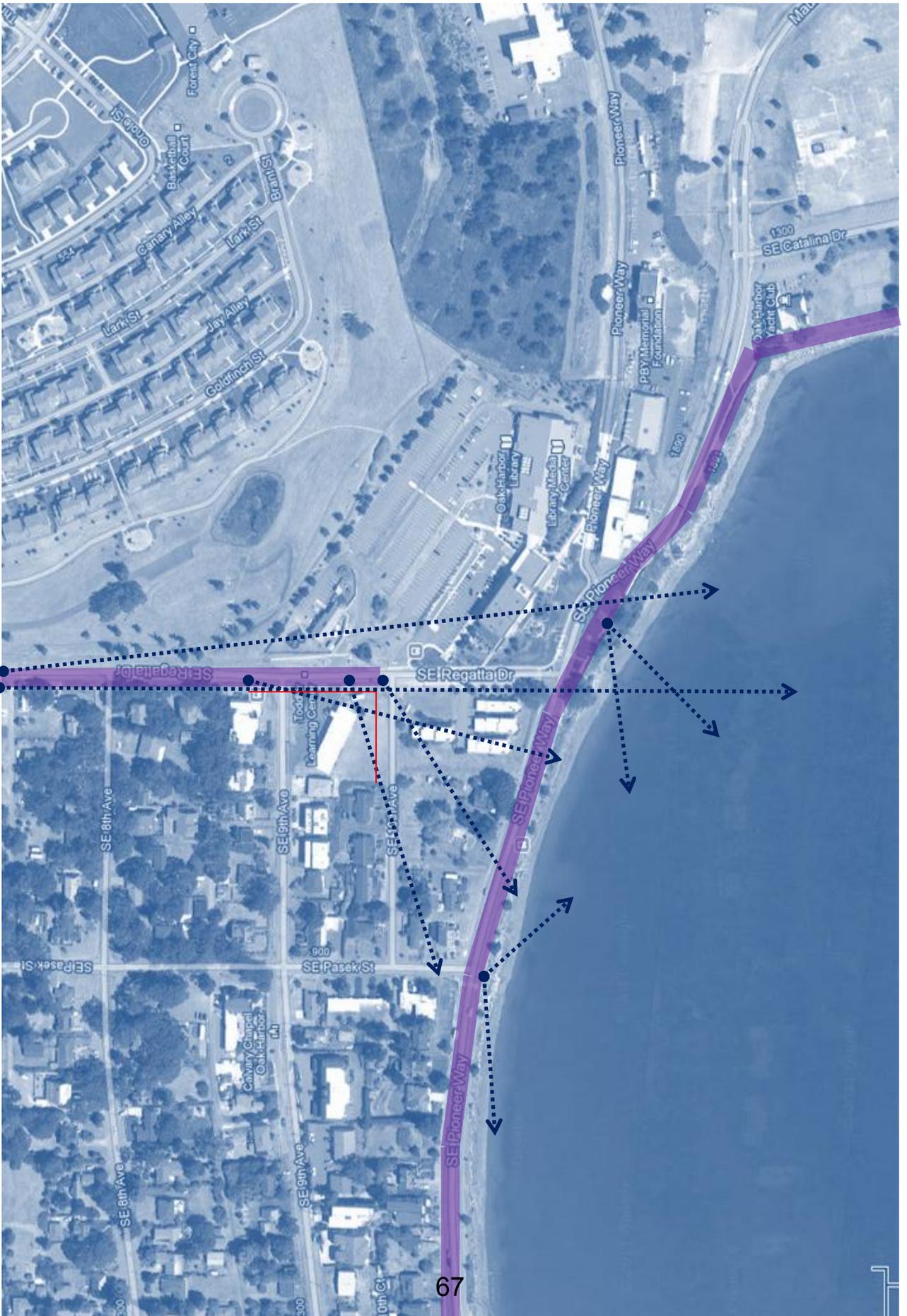
Pioneer Way– Ireland to Jensen Street



Southbound on SR 20 – NE 16th Ave to Midway Blvd



Southbound on SR 20 – NE 16th Ave to Midway Blvd



2016
Comprehensive Plan
Update

Public Meeting

CITY OF OAK HARBOR

TO: PLANNING COMMISSION
FROM: CAC KAMAK, SENIOR PLANNER
SUBJECT: 2016 COMPREHENSIVE PLAN UPDATE – COUNTY/CITY
DATE: 4/17/2013
CC: STEVE POWERS, DEVELOPMENT SERVICES DIRECTOR

2016 Comprehensive Plan Update – Oak Harbor

The City Council approved the 2013 Comprehensive Plan Amendment Docket on March 5, 2013. One of the items on the docket is the 2016 Update to the Comprehensive Plan as required by RCW 36.70A.130(4). The 2016 Update is considered a major amendment to the Comprehensive Plan and requires that the plan meets the mandatory requirements of the Growth Management Act (GMA). The Department of Commerce has produced a checklist for jurisdictions to use in evaluating their comprehensive plans for consistency with the GMA. City planning staff has begun reviewing Oak Harbor's Comprehensive Plan against this checklist. Staff will share the review with the Planning Commission over the next few meetings.

The scope of this year work related to the 2016 Update will be to review Oak Harbor's current Comprehensive Plan, determine the scope of the update and adopt a public participation plan. Staff is currently working on a tentative schedule for the update and it will be available shortly.

2016 Comprehensive Plan Update – Island County

In the meantime, staff has been working with the County on their plan update. The County has provided some information of their schedule. The County has taken a similar approach to the update as the City has and divided the update into two phases. Phase I will be to determine the scope of the update and Phase II will be addressing the deficiencies identified in Phase I.

An integral part of updating the City's and County's Comprehensive Plan is an update to the County Wide Planning Policies (CWPP). The CWPP's primary objective is to provide a framework for consistency between various jurisdictions documents. The County has initiated a discussion on these policies that will eventually determine policies and procedures related to Urban Growth Areas (UGA), population projections, growth allocations etc. Some of these policies and procedures will impact the City's 2016 update to the Comprehensive Plan.

Oak Harbor Planning Commission

The Planning Commission will play a key role in the City's 2016 Update and CWPP. There are several decision points in the process that will require input and recommendation from the Planning Commission. Staff will keep the Planning Commission updated on the coordination efforts with the County and bring issues forward when they are ripe for discussion.

Attached are some draft documents that were provided by the County on their proposed schedule and public participation plan. You will see that population projections are one of the first few issues that they have identified to tackle in the next few months. Discussions on that topic will be brought forward to the Planning Commission for input and recommendation. Agreeing on a population projection will set the foundation for discussions on growth allocations, UGA boundaries, densities and utilities.

Recommended Action

No action is required – this item is for information only

Island County 2016 Comprehensive Plan Update Public Participation Plan & Preliminary Schedule

1. Public Participation

1.1 Purpose

The purpose of this plan is to ensure early and continuous public participation during the 2016 Comprehensive Plan update process, as required by RCW 36.70A.

1.2 Goals

1. Ensure broad participation by identifying key interest groups, soliciting input from the general public, and ensuring that no single group or interest dominates the process.
2. Maintain effective communication with municipalities through direct outreach and coordination.
3. Provide equal opportunity for public participation in each of the four Island County planning areas (South Whidbey, Central Whidbey, North Whidbey, and Camano Island).
4. Accommodate budgetary and staffing constraints by ensuring that public participation resources are focused on those elements of the update process likely to be of the greatest interest to the general public.
5. Make use of communication technologies to efficiently distribute information and post notices.
6. Notify the public of all meetings, hearings, workshops, and legislative actions.

1.3 Program Structure

In order to efficiently utilize Island County's scarce planning resources, this plan identifies both *essential* public participation strategies that *will* be employed at designated stages in the planning process, as well as *optional* public participation strategies which *may* be employed if resources are available. The estimated completion dates associated with each step are target dates. In some cases, the final action may occur before or after the target date due to constrained resources, the need for additional intergovernmental collaboration, or other unforeseen circumstances.

8. News Releases – For major issues, Island County will prepare press releases and distribute these to local papers.
9. Council of Governments – Issues requiring a high level of intergovernmental coordination or decision making may be forwarded to the Island County Council of Governments for discussion. In particular, the Council of Governments will take a leading role in updating the County Wide Planning Policies.
10. Board of Commissioners Work Sessions – Planning and Community Development will frequently attend works sessions in order to brief Board members on the update process.
11. Planning Commission Work Sessions – Planning and Community Development will frequently attend works sessions in order to brief Planning Commission members on the update process.

1.5 Essential Public Participation Strategies

Essential public participation strategies have been outlined below in sections 2.1 and 2.2. In addition to these strategies, Island County will ensure that any other meeting, hearing, notification, or procedure required by State law or Island County Code is adequately addressed.

1.6 Availability of Documents

Island County will make every effort to post all relevant documents on the Planning and Community Development website. In addition, a project file will be maintained for public review at the Planning and Community Development office.

2. Preliminary Schedule

After a preliminary review of Growth Management Act requirements, the Island County Comprehensive Plan, and technical guidance provided by the Washington State Department of Commerce, Planning and Community Development has identified the following specific steps which must be completed as part of the 2016 Comprehensive Plan update.

2.1 Phase I

1. Establish Preliminary Scope of Work and Public Participation Plan
 - *Estimated Completion Date:* June 1, 2013
 - *Essential Public Participation:* Issue paper, update website, work session, Planning Commission hearing, Board of Commissioners hearing

- *Final Action:* Resolution adopting the Public Participation Plan and Preliminary Scope of Work
2. Selection of 20 year population projection range
- *Estimated Completion Date:* July 1, 2013
 - *Essential Public Participation:* Issue paper, Intergovernmental Working Group, website update, work session, Council of Governments review, Planning Commission hearing, Board of Commissioners hearing, direct coordination with affected municipal service providers
 - *Final Action:* Resolution adopting the selected population range
3. County Wide Planning Policies
- *Estimated Completion Date:* January 1, 2014
 - *Essential Public Participation:* Issue paper, Intergovernmental Working Group, website update, work session, Council of Governments review, Planning Commission hearing, Board of Commissioners hearing, direct coordination with affected municipal service providers
 - *Final Action:* Resolution adopting the revised County Wide Planning Policies
4. Regional Growth Trends and Allocations
- *Estimated Completion Date:* September 1, 2013
 - *Essential Public Participation:* Issue paper, website update, Intergovernmental Working Group, work session, direct coordination with affected municipal service providers
 - *Final Action:* Resolution adopting the allocation of population to each planning area and urban growth area.
5. Buildable Lands Analysis
- *Estimated Completion Date:* January 1, 2014
 - *Essential Public Participation:* Issue paper, website update, Intergovernmental Working Group, work session
 - *Final Action:* Buildable Lands Analysis report available for use by local planning jurisdictions and service providers

6. Formal Review of Comprehensive Plan and Development Regulations

- *Estimated Completion Date:* March 1, 2014
- *Essential Public Participation:* Issue paper, Technical Advisory Group (for certain technical elements), website update, e-mail list, news release, public meeting in each planning area, work session, Planning Commission hearing
- *Final Action:* Adopted resolution stating that a formal review has occurred and identification of changes or revisions to the Comprehensive Plan and development regulations that will need to occur. Also, a more detailed schedule and public participation plan for phase II of the update process.

2.2 Phase II

1. Urban Growth Area Modifications

- *Estimated Completion Date:* September 1, 2015
- *Essential Public Participation:* Issue paper, Technical Advisory Group/Intergovernmental working group, work session, website update, e-mail list, news release, public meeting in each planning area where a UGA modification is proposed, direct coordination with affected municipal service providers
- *Final Action:* Decision on revised urban growth area boundaries

2. Draft Comprehensive Plan Revisions

- *Estimated Completion Date:* September 1, 2015
- *Essential Public Participation:* Issue paper, technical advisory group (for certain technical elements), website update, e-mail list, news release, public meeting in each planning area, work session
- *Final Action:* Completion of proposed Comprehensive Plan revisions

3. SEPA Analysis and Public Review Period

- *Estimated Completion Date:* November 1, 2015
- *Essential Public Participation:* Update website, e-mail list, send notice to adopt to State agencies

- *Final Action:* SEPA Threshold Determination issued

4. Draft Development Regulation Revisions

- *Estimated Completion Date:* February 1, 2016
- *Essential Public Participation:* Issue paper, technical advisory group (for certain technical regulations), website update, e-mail list, news release, public meeting in each planning area, work session
- *Final Action:* Completion of proposed development regulations revisions

5. Final Adoption

- *Estimated Completion Date:* June 30, 2016
- *Essential Public Participation:* Issue Paper, website update, e-mail list, news release, work session, Planning Commission Hearing, Board of Commissioners hearing
- *Final Action:* Formal adoption of 2016 Comprehensive Plan update

3. Public Participation Plan & Preliminary Schedule

Introduction & Overview:

The Washington State Growth Management Act (GMA) requires that cities and counties establish a public participation program that ensures “early and continuous public participation” in the development and amendment of comprehensive plans and development regulations (RCW 36.70A.140). The GMA also requires that public participation programs adopted by local governments clearly identify schedules and procedures for the public to participate in the Periodic Update process (RCW 36.70.A.130(2)(a)).

In order to ensure compliance with the public participation requirements of the GMA, the Washington State Department of Commerce recommends that local governments begin the periodic update process by adopting a public participation plan that clearly identifies the scope of the proposed update, when legislative action is expected to occur, and how the public can participate or comment¹. Planning and Community Development believes this recommendation is sound, and strongly encourages the Board of Island County Commissioners (BOCC) to adopt a formal public participation plan. Accordingly, Planning and Community Development has prepared a draft “Public Participation Plan & Preliminary Schedule” for consideration by the BOCC and the Island County Planning Commission (see attached).

Initial Scope of Work:

Summary

In an effort to simplify the complex process of updating the Comprehensive Plan, Planning and Community Development has divided the essential elements of this process into two phases. During phase I, the Comprehensive Plan and development regulations will be reviewed for compliance with state law; this process will identify those areas of the Comprehensive Plan which must be amended in order to comply with the GMA. Phase II will be an implementation stage where deficiencies identified during phase I are addressed. Because it will be impossible to know the full extent of the required work until phase I is complete, the preliminary scope of work and update schedule is general rather than specific with respect to phase II.

As a preliminary step, the BOCC and Planning Commission will need to establish a scope of work for the Comprehensive Plan update. In order to assist the BOCC and Planning Commission with this process, Planning & Community Development has classified work associated with the Comprehensive Plan update as mandatory, strongly recommended, or optional. This system of categorization has been provided in order to

¹ *Washington State Department of Commerce, November 2011, “Keeping Your Comprehensive Plan and Development Regulations Current”*

accommodate budgetary and staffing constraints. A summary of mandatory, strongly recommended, and optional tasks has been provided below.

Table 3.1 – Summary of Potential Work Items		
GMA Requirements	Mandatory	<ul style="list-style-type: none"> • Consideration of GMA amendments • Urban growth areas and population projections • Critical areas regulations • Mineral resource lands • Internal consistency • Development regulation consistency
Required by Island County Code or Comprehensive Plan	Mandatory	<ul style="list-style-type: none"> • Review of programs listed in ICC 16.26.090.A.2 (includes PBRs program) • Benchmarks & monitoring (CWPPs 3.5 & 9.3) • Implementation element of comprehensive plan
Important Planning Considerations	Strongly Recommended	<ul style="list-style-type: none"> • Add economic development element • Fully develop benchmark and monitoring system to guide future planning work • Reorganization and rewrite of Comprehensive Plan to improve readability and usefulness • Previously uncompleted annual review docket/work program items
Other Possibilities	Optional (if time available)	<ul style="list-style-type: none"> • Full review and rewrite of development regulations to address code conflicts and implementation problems, and make code easier for staff and members of the public to use • Review and analysis of Rural Areas of Intense Development (RAIDs) • Review water systems procedures and policies (Coordinated Water System Plan)

Phase I

GMA Requirements

Planning and Community Development will begin Phase I by thoroughly reviewing the GMA requirements and compiling a list of GMA amendments that have occurred since Island County last updated the Comprehensive Plan. The department will then need to review the Comprehensive Plan and development regulations to determine if revisions will be required to ensure consistency with GMA amendments.

The County will also need to conduct an analysis of its Urban Growth Areas (UGAs) and ensure that they are sized to accommodate 20 years of population and employment growth (based on an adopted OFM range). If, during this analysis, the County determines that a UGA is either too small or larger than necessary, corrective actions will need to be identified. Corrective actions could include altering the size of urban growth areas, altering the allowed uses and densities within urban growth areas, or a combination of actions. It should be noted that any proposed changes to urban growth area boundaries, or allowed uses/densities, will need to be fully consistent with, and supported by, adopted County Wide Planning Policies (CWPPs) and capital facilities plans.

Because the plans and policies of other local governments, as well as utility providers, such as the Freeland Water and Sewer District, must be consistent with the adopted County Wide Planning Policies, this step in the update process will require a high level of intergovernmental coordination. In order to address this need, the BOCC and the Planning Department have made a commitment to work cooperatively with all of the involved parties and to utilize the Council of Governments (COG) as a forum for adopting revised CWPPs.

Although Island County is currently embarking on an effort to update its Fish and Wildlife protection standards, this work is the result of unfinished work from the 2005 Comprehensive Plan update. Island County is required to “review” all of its critical areas regulations as part of the 2016 update. Importantly, the County is only required to update these regulations if the review concludes that the existing critical areas protections are not consistent with GMA requirements.

The Washington State Department of Natural Resources produces and regularly updates maps showing the location of important mineral resources and deposits. Since these maps change from time to time, Island County will need to review the most recently updated maps in order to ensure that our zoning and land use designations adequately protect areas of significant mineral deposits.

The GMA also requires the County to fully review its comprehensive plan and development regulations to ensure that: (1) the Comprehensive Plan policies are internally consistent; and (2) that the development regulations are consistent with, and fully implement the policies and goals identified in the Comprehensive plan. Because of this requirement, Island County will ultimately need to review the entire Comprehensive Plan and all of the related development regulations to ensure that they are fully consistent with one another.

Island County Code and Comprehensive Plan Requirements

In addition to those elements of the Comprehensive Plan which must be reviewed by State law, Island County Code (ICC 16.26.090.A.2) lists a number planning programs which must be evaluated during a periodic update. Specifically, ICC 16.26.090.A.2 states that the following items must be reviewed:

- *Earned Development Units (EDUs) (ICC 17.03.180.F)*
- *Planned Residential Development (PRD) (ICC 16.17)*
- *Design Review Standards (ICC 17.03.180.P)*
- *Non residential zones*
- *Best Management Practices (BMPs)*
- *Public Benefit Rating System (PBRs) (ICC 3.40)*
- *Special Review Districts (ICC 17.03.160)*

A number of County Wide Planning and Comprehensive Plan policies identify items which must be addressed during the periodic review process. Notably, both the County Wide Planning Policies and the Comprehensive Plan envisioned the establishment of a "benchmark" system for gauging Island County's progress in achieving its planning objectives and goals. For example, CWPP 3.5 states that Island County shall develop a list of "benchmarks" for monitoring changes in growth trends using measurable indicators. CWPP 9.3 further identifies a number of examples of general objectives that must be considered in the establishment of specific benchmarks, including:

- *Increasing the percentage of growth that occurs within urban growth areas*
- *Decreasing the percentage of growth that occurs in rural areas*
- *Encouraging rural growth within designated RAIDs*
- *Increasing the percentage of non-military, locally based jobs from 40% to 50%*

These policies are only general goals and objectives, it is not clear from the record whether or not any serious attempt was every made to formally establish a benchmark system. In order to guide future planning work and maximize the effectiveness of Island County's planning efforts it may be important to consider formally establishing a benchmark system.

Important Planning Considerations

The GMA was previously amended to require local governments to include an economic development element in the comprehensive plans. The GMA also states that this requirement is not applicable until the State appropriates and distributes funds to assist local governments with this planning requirement. Planning and Community Development has conferred with the Department and Commerce and confirmed that no funds have been made available for this work. Accordingly, the County is not required to include an economic development element at this time. However, an economic development element remains an option and given the current economic climate, this may be an extremely important consideration for the 2016 update.

While the benchmark system discussed above was never formally adopted, the Implementation Strategies section of the Comprehensive Plan identifies a long and specific list of "progress indicators" to consider when gauging progress towards established benchmarks. Planning and Community Development strongly recommends that a benchmark system be formally developed utilizing the goals of the GMA, the

progress indicators identified in the Comprehensive Plan, and the CWPPs discussed above. If the periodic update process is to be a meaningful exercise, it will be necessary to identify the strengths and weaknesses of our past planning efforts. A clearly established set of benchmarks and measurable progress indicators would make this possible.

The current Island County Comprehensive Plan was developed and amended to meet GMA deadlines and to settle appeals before the Growth Management Hearings Board. As a result, the Comprehensive Plan has problems with basic organization, formatting, and readability. These issues have made it difficult for the public to understand the County's planning policies and create challenges for staff as well. Because significant revisions are likely to be required as part of the periodic update, Planning and Community Development believes that this would be an excellent time to address the problems outlined above.

Given budget and staffing constraints, the County has amassed a number of uncompleted work program and annual review docket items. Many of these items are logically related to items which will be addressed through the update process; therefore, it may helpful for the Board to make a formal decision to incorporate these uncompleted items into the periodic update.

Other Possibilities

Currently the Island County Code is a compilation of old code sections that were adapted to meet GMA requirements in conjunction with adoption of the Comprehensive Plan in 1998. The zoning code implements the Comprehensive Plan, so ultimately the code must be updated to be consistent with the Comprehensive Plan. The code suffers from basic organization and formatting problems, ambiguities, and conflicting requirements. This creates problems for both staff members and the general public. In order to administer the code, staff is forced to rely on code interpretations and administrative policy decisions. Staff frequently receives complaints from the public that the code does not specify what is, and is not allowed in each zone. The public also frequently expresses concerns that the permit processing procedures are poorly defined. If sufficient resources are available these issues could be addressed through a comprehensive rewrite and reorganization of the code.

The GMA was amended in 1997 to allow counties to designate Limited Areas of More Intensive Development (LAMIRDs). This provision allowed existing areas of higher density residential, commercial, and industrial development to be formally recognized. Island County took advantage of this provision by designating a number of Rural Areas of Intense Development (RAIDs). Island County's RAIDs are implemented by the Rural Center (RC), Rural Village (RV), Light Manufacturing (LM), Rural Service (RS), Airport (AP), and Rural Residential (RR) zones. Island County's RAIDs incorporate approximately 10,480 acres. Recently some concern has arisen regarding RAID boundaries and the uses allowed within them. Island County could undertake a

comprehensive evaluation of existing RAIDs to ensure they are consistent with Island County's planning objectives.

In 1990 Island County adopted a Coordinated Water System Plan (CWSP) which was intended to ensure the long term viability of Island County's water resources by reducing the proliferation of small uncoordinated water systems. Portions of this plan were subsequently incorporated into the water resources element of the Comprehensive Plan and several sections of the Island County Code. However, the requirements and procedures mandated by this plan are unclear and ambiguous, and these deficiencies have become increasingly evident. Notably, several recent developments have been delayed, or incurred unnecessary expenses as a result of these deficiencies. Also, the CWSP was intended to be reviewed and updated on a five year cycle beginning in 1995 and this has not occurred. Planning and Community Development believes these issues could be addressed by clarifying the requirements and procedures for modifying water system boundaries and incorporating these changes into the development regulations. We envision that the Health Department would play a major role in any effort to update the CWSP.

Phase II

Once the initial review and analysis phase is complete (phase I), the Washington State Department of Commerce recommends that local governments adopt an ordinance or resolution stating that a review has been completed and identifying those elements of the Comprehensive Plan or development regulations that will be updated². This process will result in a report documenting the changes that have occurred in Island County since the adoption of the Comprehensive Plan, areas of the plan or development regulations that must be updated or amended in order to comply with State law or Island County Code, as well as amendments or changes, which although not mandatory, the BOCC and Planning Commission have chosen to consider.

Phase II will essentially be an implementation stage where the deficiencies identified during phase I are addressed through plan or code revisions. Until Phase I is complete, it will be impossible to identify a detailed scope of work for Phase II. However, Island County Planning & Community Development has prepared a general outline of the tasks which must be completed in conjunction with the periodic update. This outline has been incorporated into the attached "Public Participation Plan & Preliminary Scope of Work". A more detailed scope of work will be prepared for phase II upon the completion of phase I.

Public Participation:

The GMA (RCW 36.70A.140) requires local governments to establish a public participation plan. This plan must clearly identify procedures and schedules for the

² *Washington State Department of Commerce, November 2011, "Keeping Your Comprehensive Plan and Development Regulations Current"*

public to participate in the Comprehensive Plan update process, and must also provide for early and continuous public participation. In order to ensure compliance with this requirement Island County Planning & Community Development has prepared a Public Participation Plan that identifies the scope of the review Island County will undertake, when legislative action will occur, and the provisions which have been made for public participation.

The Public Participation Plan defines “the public” very broadly. Specifically, the public includes: individual citizens, interest groups, trade groups, government agencies, utilities & service providers, and businesses. In order to reduce the potential for future conflict, and to ensure that Island County’s planning efforts reflect the diverse interests and viewpoints of our community, the Public Participation plan has been developed to provide opportunities for all members of the public to participate in the Comprehensive Plan update process. The Public Participation Plan has also been designed to ensure that members of the public in each of Island County’s planning areas (South Whidbey, Central Whidbey, North Whidbey, and Camano Island) have an opportunity to participate in the update process.

While there are many methods available for public participation, Planning & Community Development’s resources are limited; accordingly, the Public Participation Plan developed by Planning & Community Development has been designed to focus available resources on important points in the plan development and decision making process. Additionally, the Public Participation Plan identifies both minimum public outreach and participation standards that *will* be employed at designated stages in the planning process, as well as optional public participation strategies which *may* be employed if resources are available to support these efforts.

Bed and Breakfast Code

Introduction

Public Meeting

Memo

To: Members of the Planning Commission
Cc: Steve Powers, Development Services Director
From: Ethan Spoo, Senior Planner
Date: 4/8/13
Re: Bed and Breakfast Draft Code

PURPOSE

The Mayor's Economic Development Committee has requested that the Planning Commission revise the City's code to allow for bed and breakfast (B&B) establishments in appropriate areas in the City. This memorandum reviews B&B codes for other cities and introduces a draft code to Planning Commission to expand the zones in which B&Bs are permitted. The memorandum is organized as follows:

- **Comparison** : summarizes the codes in Langley, Coupeville, Anacortes, Friday Harbor, and Port Townsend and compares these cities' approach to Oak Harbor' existing code.
- **Draft Code**: Presents a draft code allowing for B&B establishments in certain areas and under appropriate conditions

Staff is initiating the conversation on B&Bs by forwarding a draft code to the Planning Commission included as attachment 2 to this memorandum.

COMPARISON

GENERAL

The Economic Development Committee is requesting that Planning Commission look at revising the City's code to be less restrictive for B&B establishments. The Committee believes there may be opportunities for new establishments in Oak Harbor with revisions to the code leading to additional lodging opportunities in Oak Harbor.

To better understand B&B zoning regulations, staff reviewed how these establishments are regulated in the tourist-oriented communities of Langley, Coupeville, Anacortes, Friday Harbor, and Port Townsend. Attachment 1 is a table summarizing how these establishments are regulated in several key aspects as compared with Oak Harbor. Each city regulates B&Bs slightly differently, but there are also commonalities between jurisdictions. The following discusses key aspects of these codes as compared with Oak Harbor.

DEFINITION OF B&Bs

B&Bs are usually defined as a structure, usually a single-family home, which is the principal residence of the owner and which provides transient lodging. Breakfast is served to those lodging, but no one else. Langley's code distinguishes between "B&B inns", "commercial B&Bs", and "residential B&Bs" based upon the size and scope of the activity. Oak Harbor's code does not define B&Bs and could benefit from having a definition.

ZONES/WHERE ALLOWED?

Oak Harbor's code does not allow B&B establishments as a permitted use in any zone. Instead, B&Bs are allowed subject to a conditional use permit in the R-2, R-3, R-4 and RO zones.

In contrast to Oak Harbor, the cities that staff researched allow B&Bs as permitted uses in some commercial and residential zones. Because these cities allow B&Bs as permitted uses, they undergo administrative review which is less cumbersome than the conditional use permit process in Oak Harbor. Oak Harbor may benefit by allowing B&Bs as permitted uses in appropriate residential zones, as well as expanding B&Bs into specific commercial areas.

ROOM LIMIT

Cities also limit the number of rooms. Oak Harbor's code treats "B&B inns" differently from "B&B rooms." Oak Harbor limits B&B inns to four rooms, while B&B rooms cannot have more than 50% of their rooms as lodging. B&B rooms are found in houses, hence the limitation on the total number of rooms as a percent of the total rooms in a house. Coupeville limits the number of rooms by zone between two and six rooms. Anacortes' and Friday Harbor's B&Bs are limited to six rooms and five rooms, respectively.

PARKING

Oak Harbor's code does not specify how many spaces are required for a B&B. Generally speaking, most cities require parking for the owner/operator as well as one space per guest room.

REVIEW PROCESS

B&Bs are generally processed in two ways: as administrative staff reviews or as conditional use permits. Some cities use both processes depending upon the location of the B&B and whether it is a permitted use or a conditional use in the zone. Conditional use permits are reviewed by a hearing examiner or the city/town council.

DRAFT CODE

PHILOSOPHY

B&Bs can provide an important option for tourists who prefer them over other forms of lodging. As a coastal community, Oak Harbor should encourage B&Bs where they are appropriate and compatible with surrounding uses. The draft code assumes that B&Bs are compatible with uses in the higher intensity residential zones, in the central business district (CBD), and in neighborhood commercial areas. B&Bs are not appropriate in highway commercial and big box store areas where the light and noise from these commercial uses would create incompatibility. In addition B&Bs are not appropriate in industrial or business park zones located in north Oak Harbor where noise levels associated with NASWI are higher.

DEFINITION

The draft code adds language defining both "B&B inns" and "B&B rooms." B&B inns are larger facilities which can have up to 10 rooms versus the smaller-scaled B&B room establishments which are limited to four rooms. In both cases, an owner or operator must be onsite at all times. Meals may only be served to lodging guests.

ZONES/WHERE ALLOWED

The draft code proposes that B&B inns and B&B rooms be allowed in the following zones: C-1 (Neighborhood Commercial), CBD (Central Business District), R-4 (Multifamily Residential), R-3 (Multifamily Residential), and RO (Residential Office) zones. B&B rooms are allowed subject to a conditional use permit in the R-1 (Single-Family Residential) and R-2 (Limited Multifamily Residential) zones.

ROOM LIMIT

B&B rooms may have no more than four rooms, while B&B inns are limited to ten rooms.

PARKING

The draft code proposes that two spaces be required for the owners/operators plus one parking space for each guest room for both inns and rooms. B&B inns need to meet parking space dimensional requirements, while B&B rooms do not. However, no parking is required in the CBD zone.

SIGNS

The draft code allows for a single, four-square-foot monument or building mounted sign to be placed on the property in which a B&B inn or room is located in a residential zone. B&B inns within commercial zones (CBD or C-1) must meet the requirements of the sign code in OHMC 19.36.

REVIEW PROCESS

Since B&B inns are proposed as permitted uses in C-1, CBD, RO, R-4, and R-3 zones, a staff administrative process would be used to review these establishments. A conditional use permit, with final decision by the hearing examiner would be required for B&B rooms in R-1 and R-2 zones.

SCHEDULE

The following is a proposed schedule for this project:

- April – Introduce draft B&B code to planning commission
- May – Planning Commission opens public hearing
- June – Planning Commission closes public hearing and makes recommendation to City Council.

ATTACHMENTS

1. Summary of Bed and Breakfast Regulations
2. Bed and Breakfast Draft Code – Amendments to OHMC Chapters 19.08, 19.20, and 19.44.

Summary of Bed and Breakfast Regulations

Characteristics	Oak Harbor	Langley	Coupeville	Anacortes	Friday Harbor	Port Townsend
How Defined?	Not defined	Two definitions: "B&B residential" and "B&B commercial." Residential is situated in same building as principal dwelling or an ADU. Commercial is situated in building primarily for commercial purposes.	Home or accessory structure and operator must live on premises	A single-family unit providing transient lodging...up to six rooms	A building which is primary residence for owner plus transient lodging	A building which is primary residence for owner plus transient lodging
Zones	Permitted: none. Conditional: Limited Multiple-Family Residential (R4), Multiple Family Residential (R3 and R4).	B&B residential is "secondary" use in RS5000, RS7200, RS15,000 zones. B&B commercial is conditional use in RS5000, RS7200, RS15,000, and Mixed Residential Zone. Principal use in Central Business and Neighborhood Business Zone.	Principal Use in: High Density Residential, Historic/Limited Commercial District, Town Commercial, and General Commercial. Conditional Use in: Residential Reserve, Low Density Residential, Medium Density Residential.	Permitted use in: CBD, Commercial, High Density Residential. Conditional Use in: Commercial Marin, Low Density Residential and Medium Density Residential	Permitted: professional service zone	Permitted Use in: C3 Historic Commercial. Conditional in: all residential zones
Room Limit	No more than 4 rooms for B&B inns; B&B rooms cannot have more than 50% of existing rooms as lodging	B&B residential = 2. B&B commercial = no limit.	Residential Reserve = 6 rooms. Low, Medium and High Density Residential = 2 rooms. Commercial uses, no limit.	6 rooms	5 rooms	No limit
Parking	Not specified, but all parking must be onsite	B&B commercial = "parking for all guest vehicles on premises"	0.7 spaces per guest room	2 for owner and 1 per guest room	2 plus 1 per sleeping room	1 space per room
Process	Conditional Use = Hearing Examiner Review	B&B residential = administrative review. B&B commercial = administrative or conditional use. Conditional use is reviewed by hearing examiner	Principal use = administrative review. Conditional Use = Town Council	Permitted use = administrative. Conditional = City Council	Permitted = administrative review	Permitted = administrative. Conditional = Hearing Examiner

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF OAK HARBOR AMENDING CHAPTER 19.08 OF THE OAK HARBOR MUNICIPAL CODE ENTITLED “DEFINITIONS” AND ALSO AMENDING CHAPTER 19.20 ENTITLED “ZONING.”

WHEREAS, the City’s Comprehensive Plan, Economic Development Goal 6 says: “Ensure tourism with an emphasis on strengthening Oak Harbor as a tourist destination.” and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element, Goal 5 says “To protect existing land uses as new development occurs” and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element Goal 6 says “To encourage land use opportunities for diversified economic development, and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element, Goal 8 says “to ensure that the location, situation, configuration, and relationship of the varied land uses within the UGA are consistent and compatible” and;

WHEREAS, the City’s Comprehensive Plan, Land Use Element Goal 19 says “ to create and maintain a balanced community that mixes residential and non-residential uses in a way that promotes environmental quality and community aesthetics.”

WHEREAS, the City of Oak Harbor conducted a public hearing before the Planning Commission on May 28. A public meeting was held before the Planning Commission on April 23, 2013.

WHEREAS, the Oak Harbor Planning Commission recommended approval of the subject ordinance to the City Council and;

WHEREAS, the City of Oak Harbor issued Notice of Application on September 15, 2012 and a Determination of Non-Significance (DNS) on October 6, 2012 for a SEPA Environmental Checklist in accordance with Chapter 43.21 RCW and;

THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain as follows:

Section One. Chapter 19.08 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 4 in 2009 is hereby amended to read as follows:

Chapter 19.08 DEFINITIONS

Sections:

- 19.08.005 Definitions.
- 19.08.010 Accessory dwelling unit.
- 19.08.015 Accessory use.
- 19.08.020 Alley.
- 19.08.025 Alteration.
- 19.08.030 Assisted living facility.
- 19.08.035 Auto convenience market.
- 19.08.040 Automatic teller machine.
- 19.08.045 Automobile service station including self-service.
- 19.08.050 Aviation environs.
- 19.08.055 Banner.
- 19.08.060 Basement.
- 19.08.061 Bed and Breakfast Inns
- 19.08.062 Bed and Breakfast Room (residential)
- 19.08.063 Bed and Breakfast Room (commercial)
- 19.08.065 Berm.
- 19.08.070 Binding site plan.
- 19.08.075 Hearing examiner.
- 19.08.078 Building code.
- 19.08.079 Fire code.
- 19.08.080 Brew pub.
- 19.08.085 Buffer.
- 19.08.090 Buildable area.
- 19.08.095 Building.
- 19.08.100 Building, accessory.
- 19.08.105 Building area.
- 19.08.110 Building, detached.
- 19.08.115 Building height.
- 19.08.120 Building line.
- 19.08.125 Building, multiple-occupancy.
- 19.08.130 Building, office.
- 19.08.135 Building, quasi-public.
- 19.08.140 Building, single-occupancy.
- 19.08.145 Building site.
- 19.08.150 Canopy.
- 19.08.155 Carport.
- 19.08.160 Certificate of occupancy.
- 19.08.165 Child day care center.
- 19.08.170 Church.
- 19.08.175 City.
- 19.08.180 City staff.

19.08.185	Club.
19.08.190	Coffee kiosk.
19.08.195	Commercial use.
19.08.200	Commercial vehicle.
19.08.205	Conditional use.
19.08.210	Condominium.
19.08.215	Court.
19.08.220	Covered moorage building area.
19.08.225	Currency exchange.
19.08.230	Data processing facility.
19.08.235	Day-night average sound level (Ldn).
19.08.240	Deciduous.
19.08.245	Density.
19.08.250	Design review board.
19.08.252	Director of development services.
19.08.255	Dock.
19.08.260	Dwelling, multifamily.
19.08.265	Dwelling, single-family.
19.08.270	Dwelling unit.
19.08.275	Electrical distribution substation.
19.08.280	Essential public facility.
19.08.285	Essential use.
19.08.290	Evergreen.
19.08.295	Extended stay motel.
19.08.300	Factory-built structure.
19.08.305	Family.
19.08.310	Floor area.
19.08.315	Fraternity, sorority or student cooperative.
19.08.320	Garage, commercial.
19.08.325	Gated community.
19.08.330	General promotions.
19.08.335	Grade (adjacent ground elevation).
19.08.340	Grand openings and anniversaries.
19.08.345	Greenbelt.
19.08.350	Ground cover.
19.08.355	Health club.
19.08.360	Home, family child day care.
19.08.365	Home, foster.
19.08.370	Home, group.
19.08.375	Home improvement center.
19.08.380	Home occupation.
19.08.385	Hospital.
19.08.390	Hospital, animal.
19.08.395	Hotel.
19.08.400	House, apartment.
19.08.405	House, boarding, lodging or rooming.

19.08.410	House, guest.
19.08.415	Institution, educational.
19.08.420	Junkyard.
19.08.425	Kennel, commercial.
19.08.430	Kitchen.
19.08.435	Land clearing.
19.08.440	Landscape perimeter.
19.08.445	Landscape policy manual.
19.08.450	Landscape setback.
19.08.455	Landscaping.
19.08.460	Ldn contour.
19.08.465	Lot.
19.08.470	Lot area.
19.08.475	Lot, corner.
19.08.480	Lot coverage.
19.08.485	Lot depth.
19.08.490	Lot, developed single-family residential.
19.08.495	Lot, interior.
19.08.500	Lot, irregular shaped.
19.08.505	Lot line.
19.08.510	Lot line, front.
19.08.515	Lot line, rear.
19.08.520	Lot line, side.
19.08.525	Lot, partially developed single-family residential.
19.08.530	Lot, through.
19.08.535	Lot, undeveloped.
19.08.540	Lot width.
19.08.545	Marquee.
19.08.550	Mixed use.
19.08.555	Manufactured home.
19.08.560	Manufactured home park.
19.08.565	Manufactured home subdivision.
19.08.570	Moorage.
19.08.575	Motel.
19.08.580	Multiple-occupancy complex.
19.08.585	Neighborhood convenience store.
19.08.590	Noise zone map.
19.08.595	Nonconforming structure.
19.08.600	Nonconforming use.
19.08.605	Nonconforming use, land.
19.08.610	Occupant.
19.08.615	Opaque.
19.08.620	Open space.
19.08.625	Parapet.
19.08.630	Parking, employee.
19.08.635	Parking, off-street.

- 19.08.640 Parking space.
- 19.08.645 Penthouse.
- 19.08.650 Permit, conditional use.
- 19.08.655 Permit, land clearing.
- 19.08.660 Permit, minor clearing.
- 19.08.665 Permit, temporary use.
- 19.08.670 Permitted use.
- 19.08.675 Primary use.
- 19.08.680 Professional office.
- 19.08.685 Property line.
- 19.08.690 Public utility.
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19.08.061 Bed and Breakfast Inn

“Bed and Breakfast Inn” means a building or group of buildings on a lot which is designed or used for rental for transient lodging, where:

- (1) Not more than ten rooms are available for such rental;
- (2) No meals are served to members of the general public;
- (3) In the residential zone no other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title; and
- (4) No room is rented to more than four persons.

19.08.062 Bed and Breakfast Rooms (residential)

“Bed and breakfast room (residential) means a room used for rental to not more than four persons for transient lodging situated in a building which is used primarily as the dwelling for a non-transient family, or in the case where there is an approved accessory dwelling unit on the same property, the principal dwelling is owner-occupied, and where:

- (1) Not more than four rooms are available for such rental
- (2) No meals are served to members of the general public; and
- (3) No other business, service or commercial activity is conducted or provided on the premises, except as expressly permitted by this title.
- (4) If the principal dwelling ceases to be owner-occupied, the bed and breakfast use shall be terminated.

19.08.063 Bed and Breakfast Rooms (commercial)

“Bed and breakfast room (commercial)” means a room used for rental to not more than four persons for transient lodging situated in a building which is used primarily as a commercial establishment, where:

- (1) Not more than four rooms are available for such rental
- (2) No meals are served to members of the general public; and
- (4)(3) The room(s) are located above the first or street level or behind the street front side of the building.

Section Two. Section 19.20.005 through 19.20.095 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 is hereby readopted.

Section Three. Sections 19.20.100 through 19.20.120 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article II. R-1 – Single-Family Residential

19.20.100 Purpose and intent.

The R-1 single-family residential district is intended for low-density, urban, single-family residential uses, while providing sufficient density to allow the city to effectively provide needed urban services. Manufactured home subdivisions are also allowed in this zone.

The densities for this district range between a minimum of three units per gross acre and a maximum of six units per gross acre.

19.20.105 Principal permitted uses.

In an R-1 district, the following are principal permitted uses:

- (1) One single-family detached dwelling structure on each lot;
- (2) Development under a planned residential development as per Chapter 19.31 OHMC;
- (3) Manufactured home subdivisions as defined by OHMC 19.08.565 and in compliance with Chapter 19.25 OHMC.

19.20.110 Accessory permitted uses.

In an R-1 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops, and barns; provided, that none shall be rented or occupied for gain;
- (2) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located within the setback lines of the lot.

19.20.115 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-1 district when authorized by the hearing examiner:

- (1) All radio, television and microwave receiving antennas, whether variously described as a wire, dish, tower antenna, or otherwise, located outside of the setback lines of the lot when:
 - (a) Reception cannot be obtained when located within the setback lines;
 - (b) The location in a setback yard does not block the view of Oak Harbor Bay proposed from other property;
 - (c) The antenna does not cause a danger to adjacent properties;
 - (d) The antenna installation complies with all other zoning and building provisions of this code.
- (2) Assisted living facility.
- (3) Bed and breakfast rooms (residential only) subject to the following conditions:
 - (a) A resident is domiciled within the structure;
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
 - (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are prohibited.
 - (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;
- ~~(34)~~ Cemetery, mausoleum, or crematorium, but only in connection therewith.
- ~~(54)~~ Churches and associated rectories, convents or other similar structures.
- ~~(65)~~ Community center building.

- | (~~76~~) Excavations, other than simple foundation.
- | (~~87~~) Garages, for storage only of automobiles as an accessory to a public or quasi-public institution.
- | (~~98~~) Golf course, including club house, but not an independent pitch-and-putt course, golf driving range or miniature golf.
- | (~~910~~) Government buildings for administrative or protective services, government storage yards, treatment plants, well sites, pump stations and sanitary landfills.
- | (~~4011~~) Group home.
- | (~~4412~~) Home occupations as regulated in Chapter 19.34 OHMC.
- | (~~4213~~) Hospital.
- | (~~4314~~) Landfills, reclamation to improve steep, low or otherwise unusable land.
- | (~~4415~~) Mortuaries.
- | (~~4516~~) Nursery and landscape material, including greenhouses.
- | (~~4617~~) Private club, lodge, social or recreation building or community assembly hall (except those having a chief activity carried on for monetary gain); provided, that the buildings used for such purpose may require additional front, rear or side yard setback from an adjoining lot in any residential district beyond the established requirements in the parent zoning district.
- | (~~4718~~) Private nursery school, foster home, kindergarten, or child day care center, not qualifying as a home occupation, on a legal lot, provided there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight.
- | (~~4819~~) Private park or recreational area operated by a nonprofit community organization or association as a neighborhood playground, or local community recreational area, operated for the benefit of and exclusive use of members and their invited guests. Applications for a conditional use under this section shall state the specific use or uses to which the proposed neighborhood playground or local community recreational area shall be put. Conditional uses granted under this section shall be limited to one or more of the specific use or uses requested. Any use or uses in addition to or different from those specifically permitted by the hearing examiner hereunder shall require the separate approval of the hearing examiner. Included within the generality of the phrase "neighborhood playground, or local community recreational areas," but not limited thereto, are swimming pools, community beaches and tennis courts, together with appurtenances thereto.
- | (~~4920~~) Public school.
- | (~~2021~~) Public or private college.
- | (~~2422~~) Public, private or parochial school and supporting dormitory facilities.
- | (~~2223~~) Public or semi-public building serving as a library, museum or other similar purpose.
- | (~~2324~~) Public transportation shelter stations.
- | (~~2425~~) Public utility and communications facility, such as a branch telephone exchange, static transformer, booster station, or pumping station, provided there shall be no service or storage buildings or yards in connection therewith.
- | (~~2526~~) Radio and television broadcasting stations and towers.
- | (~~2627~~) Rapid transit terminals.
- | (~~2728~~) Skilled nursing facility.

19.20.120 Density provisions.

For single-family dwelling structures, in an R-1 district, the following density provisions apply:

- (1) Minimum density, three DU/AC; maximum density, six DU/AC;
- (2) Minimum lot area, 7,200 square feet;
- (3) Minimum lot width, 60 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard, 20 feet;
- (6) Minimum side yard setbacks are 12 feet and five feet; however, minimum side yard along the flanking street of a corner lot, 15 feet;
- (7) Minimum rear yard, 20 feet;
- (8) Maximum building height, 35 feet;
- (9) Maximum lot coverage, 35 percent of lot area;
- (10) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line provided there is six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure;
- (11) Development as a planned residential development may occur subject to Chapter 19.31 OHMC.

Section Four. Sections 19.20.125 through 19.20.155 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article III. R-2 – Limited Multiple-Family Residential

19.20.125 Purpose and intent.

The R-2 limited multiple-family residential district is intended for medium density residential housing. Manufactured home subdivisions and parks are allowed in this zone. The densities for this district range between a minimum density of three units per gross acre and a maximum density of 12 units per gross acre. The R-2 districts are intended only for those areas having safe and convenient access to improved collector or arterial streets and adequate public services.

19.20.130 Principal permitted uses.

In an R-2 district, the following are principal permitted buildings and uses:

- (1) Principal use permitted in an R-1 district;
- (2) Duplexes, two-family dwelling structures;
- (3) Multifamily dwellings;
- (4) Development under a planned residential development as per Chapter 19.31 OHMC;
- (5) Manufactured home subdivisions and parks in compliance with Chapter 19.25 OHMC.

19.20.135 Accessory permitted uses.

In an R-2 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;
- (2) Television satellite dish reflectors, ground-mounted within required building setback lines.

19.20.140 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-2 district when authorized by the hearing examiner:

- (1) Any conditional use permitted in an R-1 district;
- ~~(2) Bed and breakfast inns subject to the following conditions:
 - ~~(a) There shall be no more than four guest rooms;~~
 - ~~(b) Service of meals shall be to registered guests only;~~
 - ~~(c) here shall be a full-time manager domiciled on the premises;~~
 - ~~(d) Parking of guest vehicles shall be accommodated on the same site with the main building;~~
 - ~~(e) Only one on-premises sign not exceeding four square feet in area shall be permitted. Maximum height of pole signs shall be 42 inches;~~~~
- ~~(3) Bed and breakfast rooms subject to the following conditions:
 - ~~(a) A resident family is domiciled within the structure;~~
 - ~~(b) No more than 50 percent of the existing bedrooms are devoted to bed and breakfast;~~
 - ~~(c) Parking of guest vehicles shall be accommodated on the premises;~~
 - ~~(d) Only one on-premises sign not more than four square feet in area shall be permitted. Maximum height of pole signs shall be 42 inches;~~
 - ~~(e) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;~~
 - ~~(f) The use of the building as a dwelling is the predominant use.~~~~

19.20.145 Density provisions.

In an R-2 district, the following density provisions apply:

- (1) Minimum density, three DU/AC; maximum density, 12 DU/AC;
- (2) Minimum lot area: 6,000 square feet;
- (3) Minimum lot width, 60 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard setback, 20 feet; see also subsection (6) of this section;
- (6) Minimum side yard setbacks are 20 feet, five feet on one side for duplexes and multiple-family dwellings while single-family detached dwelling structures must provide minimum 12-foot and five-foot side yard setbacks. For both single-family and multiple-family dwellings, side yard along the flanking street of a corner lot is 15 feet (see also subsection (7) of this section);
- (7) Minimum rear yard setbacks where distinguishable from side yards and where required for a platted lot shall not be less than 25 feet for duplexes and multiple-family dwellings, while for single-family detached dwelling structures they

shall not be less than 20 feet. In addition to the above, any building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard setback for each additional story;

- (8) Maximum building height, 35 feet;
- (9) Maximum lot coverage by buildings, 45 percent. A minimum of 20 percent of lot is to be kept free of impervious surfacing;
- (10) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line; provided, there are six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure;
- (11) Development may occur as a planned residential development subject to Chapter 19.31 OHMC.

19.20.150 Landscaping requirements.

Except for single-family dwellings and duplexes, landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.155 Site plan review required.

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

Section Five. Sections 19.20.160 through 19.20.190 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article IV. R-3 – Multiple-Family Residential

19.20.160 Purpose and intent.

The R-3 multiple-family residential district is intended to provide for and protect areas for medium- to high-density multiple-family residential development. The densities for this district range between a minimum density of six units per gross acre and a maximum density of 16 units per gross acre. The R-3 districts are intended only for those areas adjacent to arterials or collector streets, without generation of additional traffic upon residential streets, and with adequate public services.

19.20.165 Principal permitted uses.

In an R-3 district, the following are principal permitted buildings and uses:

- (1) Principal uses permitted in an R-2 district, except single-family uses;
- (2) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises;
 - (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of OHMC Chapter 19.44;

(c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are not permitted.

(3) Bed and breakfast rooms (residential only) subject to the following conditions:

(a) A resident is domiciled within the structure;

(b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.

(c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are not permitted.

(d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;

(2)(4) (42) Manufactured home park, subject to the provisions of Chapter 19.25 OHMC;

(3)(5) (53) Multifamily dwellings;

(4)(6) (64) Development under a planned residential development as per Chapter 19.31 OHMC.

19.20.170 Accessory permitted uses.

In an R-3 district, the following are accessory permitted uses:

- (1) Accessory uses and structures incidental to any permitted residential uses, such as servants' quarters, garages, greenhouses, or workshops; provided, that none shall be rented or occupied for gain;
- (2) Television satellite dish reflectors, ground-mounted within required building setback lines.

19.20.175 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in an R-3 district when authorized by the hearing examiner:

- (1) Any conditional use permitted in an R-2 district;
- (2) Assembly hall;
- (3) Gymnasium or stadium in connection with public or private schools certified by the State of Washington Board of Education.

19.20.180 Density provisions.

In an R-3 district, the following density provisions apply:

- (1) Minimum density, six DU/AC; maximum, 16 DU/AC;
- (2) Minimum lot area: 6,000 square feet;
- (3) Minimum lot width, 60 feet;
- (4) Minimum lot depth, 90 feet;
- (5) Minimum front yard setback, 20 feet; see subsection (7) of this section;
- (6) Minimum side yard setbacks are 20 feet, five feet on one side. Minimum side yard along flanking street of a corner lot is 15 feet; see subsection (7) of this section;
- (7) Minimum rear yard setbacks, where distinguishable from side yards and where required for a platted lot, shall not be less than 25 feet. In addition to the above, any

- building of more than two stories in height must provide a minimum of two feet additional front, side and rear yard setback for each additional story;
- (8) Maximum building height, 35 feet;
 - (9) Maximum lot coverage by buildings, 45 percent. A minimum of 20 percent of lot area is to be kept free of impervious surfacing;
 - (10) A single-story accessory building containing less than 600 square feet of floor area may be constructed within five feet of either sideline or rear property line, provided there is six feet of unencumbered space between the principal structure and the accessory building. Accessory buildings shall not have a metal finish except when the finish is listed by the manufacturer or approved by the building department as a nonglare finish. The maximum floor area of an accessory structure shall not exceed 50 percent of the floor area of the primary structure;
 - (11) Development as a planned residential development may occur subject to Chapter 19.31 OHMC.

19.20.185 Landscaping requirements.

Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.190 Site plan review required.

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

Section Six. Sections 19.20.195 through 19.20.225 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted:

Section Seven. Sections 19.20.230 through 19.20.260 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Eight. Sections 19.20.265 through 19.20.295 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article VII. C-1 – Neighborhood Commercial

19.20.265 Purpose and intent.

The C-1 neighborhood commercial district is intended to provide for limited commercial facilities serving residents of the surrounding residential district.

19.20.270 Principal permitted uses.

In a C-1 district, the following are principal permitted uses:

- (1) Principal uses permitted in an RO district;
- (2) Artist's studios and supplies;
- (3) Auto convenience market;
- (4) Bakery, retail only;
- (5) Barber shop or beauty shop;
- (6) Bed and breakfast inns subject to the following conditions:

- (a) There shall be a full-time manager domiciled on the premises;
- (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of OHMC Chapter 19.44;
- (c) Signs shall meet the requirements of OHMC 19.36 for the C-1 zone.

(7) Bed and breakfast rooms (residential or commercial) subject to the following conditions:

- (a) A resident is domiciled within the structure;
- (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
- (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are not permitted.
- (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;

- ~~(86)~~ Book and stationery store;
- ~~(97)~~ Clothing store;
- ~~(108)~~ Confectionery;
- ~~(119)~~ Dairy products, retail only;
- ~~(1240)~~ Delicatessen;
- ~~(1344)~~ Dress and millinery shop;
- ~~(1442)~~ Drug store, including fountain;
- ~~(1543)~~ Dry cleaners;
- ~~(1644)~~ Florist shop;
- ~~(1745)~~ Garden supplies and horticultural nursery, not including greenhouses;
- ~~(4186)~~ Grocery store;
- ~~(1947)~~ Hardware store;
- ~~(2048)~~ Health club;
- ~~(2149)~~ Laundry, self-service;
- ~~(2220)~~ Library;
- ~~(2324)~~ Office supply and equipment store;
- ~~(2422)~~ Photographic studio and supplies;
- ~~(2523)~~ Private nursery school, child day care center or kindergarten, provided there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- ~~(2624)~~ Radio and television sales and service;
- ~~(2725)~~ Restaurant, including sidewalk cafes;
- ~~(2826)~~ Service station;
- ~~(2927)~~ Single-family residential uses when located on the second floor above a permitted use;
- ~~(3028)~~ Shoe repair shop;
- ~~(3129)~~ Variety store;
- ~~(3230)~~ Other uses as defined by the planning director to be similar to those identified above and having equal or less impact on the purposes of this section. .

19.20.275 Accessory permitted uses.

In a C-1 district, following are accessory uses permitted outright:

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

19.20.280 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a C-1 district when authorized by the hearing examiner:

- (1) Church;
- (2) Excavations, other than simple foundation;
- (3) Garages, for storage only of automobiles as an accessory to a public or quasi-public institution;
- (4) Governmental buildings for administrative or protective service, government storage yards, treatment plants, well sites, pump stations and sanitary landfills;
- (5) Landfill, reclamation to improve steep, low or otherwise unusable land;
- (6) Nursery and landscape material including greenhouses;
- (7) Public transportation shelter stations;
- (8) Public utility and communications facility, such as a branch telephone exchange, static transformer, booster station, pumping station; provided, there shall be no service or storage building or yards in connection therewith, including microwave relay stations;
- (9) Rapid transit terminals;
- (10) Roller rink;
- (11) Swimming pools or beaches, public or private.

19.20.285 Density provisions.

In a C-1 district, the following density provisions apply:

- (1) Multifamily dwelling structures shall conform to the requirements of the R-4 district;
- (2) Other uses shall conform to the following standards:
 - (a) Minimum lot area, 5,000 square feet;
 - (b) Minimum lot width, 50 feet;
 - (c) Minimum lot depth, 90 feet;
 - (d) Minimum front yard, 15 feet;
 - (e) Minimum side yard, 10 feet each side;
 - (f) Minimum side yard along flanking street of corner lot, 15 feet;
 - (g) Minimum rear yard, 20 feet;
 - (h) Minimum rear yard abutting a public street, 15 feet;
 - (i) Maximum building height, 35 feet;
 - (j) Maximum lot coverage, 60 percent of lot area.

19.20.290 Conditions governing permitted uses.

Uses permitted in a C-1 district, except conditional uses and dwellings, shall be subject to the following conditions:

- (1) All business, service, repair, processing, storage, or merchandise display shall be conducted within a wholly enclosed building except for the following:
 - (a) Off-street parking or loading;
 - (b) Drive-in windows, but not including food or drink service;
 - (c) Food and drink service in connection with a delicatessen or confectionery;
 - (d) Sale of plant materials in connection with a florist shop;
- (2) Items produced or wares and merchandise handled shall be limited to those sold at retail on the premises;
- (3) The use shall not be objectionable because of odor, dust, smoke, cinders, exhaust fumes, noise, vibration, disturbance to television or radio reception or because of unsightly structure, facilities or use of land;
- (4) Design shall be in accordance with the provisions of the design guidelines;
- (5) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.295 Site plan and design review required.

- (1) Site plan and design review shall be required as defined in Chapter 19.48 OHMC.
- (2) The planning director, under site plan review, may impose the following conditions before a building permit will be issued for the proposed development:
 - (a) Limit or prohibit openings to structures on sides within 50 feet of a residential district if the openings will cause glare, excessive traffic, noise or other adverse effects on adjacent residential areas;
 - (b) Access shall be limited to streets designated as collector or arterial streets in the comprehensive plan;
 - (c) Require additional setbacks and landscaping or screening abutting a residential district if necessary to minimize the detrimental effects of commercial activity such as glare and noise.

Section Nine. Sections 19.20.300 through 19.20.330 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby amended to read as follows:

Article VIII. CBD – Central Business District

19.20.300 Purpose and intent.

The central business district (CBD) is intended to preserve and enhance the unique harbor location of the city’s heritage with the character of the traditional center of social, cultural and retail activity. Mixed use developments, combining retail and visitor-oriented activities on the ground floor with office, retail and residential uses above, are required. Within the district, pedestrian-oriented activity is encouraged. Standards and design guidelines are adopted to enhance and maintain a pedestrian-friendly environment. Incentives are also provided to encourage the development of mixed use projects. Subdistricts CBD-1 and CBD-2 are created in order to provide for flexibility of residential

development within specific areas of the central business district. Large surface parking lots are not encouraged. Shared clustered parking areas in the middle of blocks are allowed away from street frontages. Access driveways are to be kept at a minimum to promote safety and convenience of pedestrians.

19.20.305 Principal permitted uses.

In a central business district (CBD, CBD-1 or CBD-2), the following are principal permitted uses (for the purposes of this district only, uses considered to be “retail” are denoted with an (R)):

- (1) Antique shop (R);
- (2) Artist’s studios and supplies (R);
- (3) Bakery, retail only (R);
- (4) Bank;
- (5) Barber and beauty shops;
- (6) Bars (R);
- (7) Bed and breakfast inns subject to the following conditions:
 - (a) There shall be a full-time manager domiciled on the premises;
 - (b) Parking of guest vehicles shall be accommodated on the same site with the main building and shall meet the requirements of Chapter 19.44 OHMC;
 - (c) Signs shall meet the requirements of OHMC 19.36 for the CBD zone.
- (8) Bed and breakfast rooms (residential or commercial) subject to the following conditions:
 - (a) A resident is domiciled within the structure;
 - (b) Parking of guest vehicles shall be accommodated on the premises and the number of spaces must meet OHMC 19.44.100. The size and dimensional requirements of OHMC 19.44 are not required to be met.
 - (c) Only one on-premises monument sign or building mounted sign not more than four square feet in area shall be permitted. Pole or pylon signs are not permitted.
 - (d) No commercial dining or other hospitality facilities are maintained for the entertainment of guests;
- (97) Bicycle shop (R);
- (108) Billiards and pool hall (R);
- (119) Blueprinting;
- (1210) Bookstore (R);
- (1311) Brew pub (R);
- (1412) Camera and supply shop (R);
- (1513) Clothes and apparel shop (R);
- (1614) Cocktail lounge (R);
- (1715) Coffee house (R);
- (1816) Confectionery store (R);
- (1917) Conference center;
- (2018) Data processing facility;
- (2119) Delicatessen (R);
- (2220) Department store (R);

- (~~2321~~) Dry cleaners;
- (~~2422~~) Furniture shop (R);
- (~~2523~~) Florist shop (R);
- (~~2624~~) Gift shop (R);
- (~~2725~~) Grocery store, neighborhood, provided gross floor area shall not exceed 12,000 square feet (R);
- (~~2826~~) Hardware store (R);
- (~~2927~~) Hobby shop (R);
- (~~3028~~) Hotel and motel;
- (~~3129~~) Ice cream shop (R);
- (~~3230~~) Interior decorator studio (R);
- (~~3331~~) Jewelry store (R);
- (~~3432~~) Leather goods store (R);
- (~~3533~~) Music store (R);
- (~~3634~~) Offices;
- (~~3735~~) Office supply and equipment store (R);
- (~~3836~~) Pet shop (R);
- (~~3937~~) Pharmacy and drug store (R);
- (~~4038~~) Photographic film processing and associated retail sales (R);
- (~~4139~~) Photographic studio and supplies;
- (~~4240~~) Photocopying;
- (~~4341~~) Post office;
- (~~4442~~) Printing shop;
- (~~4543~~) Residential uses, provided:
 - (a) In the CBD district: mixed use sites with multiple street frontages may locate dwelling units on the ground level on any street frontages other than Pioneer Way;
 - (b) In subdistricts CBD-1 or CBD-2: dwelling units may be the primary use of the site;
- (~~4644~~) Restaurant, including sidewalk cafe (R);
- (~~4745~~) Schools for the fine arts;
- (~~4846~~) Shoe repair shop (R);
- (~~4947~~) Shoe store (R);
- (~~5048~~) Sporting goods shop (R);
- (~~5149~~) Tailor shop (R);
- (~~5250~~) Tavern (R);
- (~~5351~~) Taxi service;
- (~~5452~~) Theater;
- (~~5553~~) Tobacco shop (R);
- (~~5654~~) Toy store (R);
- (~~5755~~) Travel agencies;
- (~~5856~~) Trophy shop (R);
- (~~5957~~) Upholstery shop;
- (~~6058~~) Variety store (R);
- (~~6159~~) Visitor information center;

(~~6260~~) Other uses similar to those identified above and having equal or less impact on the purposes of this section.

19.20.310 Accessory permitted uses.

In a central business district (CBD, CBD-1, or CBD-2), the following are accessory permitted uses:

- (1) A use customarily incidental and subordinate to a principal use permitted outright;
- (2) On-site hazardous waste treatment and storage facilities as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210;
- (3) Television satellite dish reflectors, roof-mounted and within building setback lines not to exceed the height limitations and other standards as set out in OHMC 19.20.320; provided said height limitation may be increased when such height is permitted per OHMC 19.28.040 and 19.28.050.

19.20.315 Conditional uses permitted.

The following principal uses and their accessory uses may be permitted in a central business district (CBD, CBD-1, or CBD-2) when authorized by the hearing examiner:

- (1) Coffee kiosk;
- (2) Dancehall;
- (3) Governmental buildings for administrative or protective services;
- (4) Health club;
- (5) Land reclamation with water-dependent marine development;
- (6) Parking lots or garages not in conjunction with permitted uses;
- (7) Places of entertainment and amusement, if conducted within a wholly enclosed building;
- (8) Private nursery school, kindergarten, or child day care center not qualifying as a home occupation on a legal lot; provided, there is established in connection therewith an outdoor play area having a minimum area of 1,000 square feet plus an additional 50 square feet for each child in excess of eight;
- (9) Public utility and communications facility;
- (10) Transit terminals;
- (11) Swimming pools or beaches, public or private;
- (12) Other uses similar to uses permitted or conditionally permitted and normally located in the central business district; provided, that there shall be no manufacturing, compounding, processing or treatment of products other than that which is essential to the retail store or business where all such products are sold on the premises.

19.20.320 Density provisions.

In CBD, CBD-1 and CBD-2, the following density provisions apply:

(1) Allowable density:

District	Minimum	Maximum
CBD	None	None
CBD-1	9 du/ac	None
CBD-2	13 du/ac	None

- (2) Minimum lot area, no limitation;
- (3) Minimum lot width, no limitation;
- (4) Minimum lot depth, no limitation;
- (5) Minimum front yard, no limitation, except when opposite a residentially zoned property, then a 10-foot front yard is required. Front yard setback may also be increased to 10 feet if needed for traffic safety; front yard setback shall be provided so as to maintain a 12-foot sidewalk measured from the existing curb or future curb line;
- (6) Minimum side yard, no limitation except when abutting a residentially zoned property, then 10 feet each. For corner lots, side yard may also be increased to 10 feet if needed for traffic safety;
- (7) Minimum rear yard, no limitation except when opposite a residentially zoned property, then 10-foot rear yard is required or except when abutting a public street where the setback may be increased to 10 feet if needed for traffic safety;
- (8) Maximum building height; 35 feet; except:
 - (a) In CBD: building height may be increased to 45 feet if ground floor retail space (as defined in OHMC 19.20.300) is developed in conjunction with a residential use;
 - (b) In CBD-2: building height may be increased to 45 feet for residential development (without a retail component);
 - (c) In CBD: building height may be increased to 45 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines;
 - (d) In CBD: building height may be increased to 55 feet for nonresidential uses or mixed use projects upon approval of the design review board and by providing additional urban amenities as defined in the Oak Harbor commercial and industrial design guidelines. The design review board shall specifically review the proposed project and building height for its impacts on waterfront and mountain views and require reasonable mitigation as necessary;
- (9) Maximum lot coverage, no limitation;
- (10) Parking.

- (a) Nonresidential Uses. There shall be no required parking for nonresidential uses; except, however, if parking is provided, it shall meet the parking space size and access requirements of OHMC 19.44.110;
 - (b) Residential uses shall provide parking per Chapter 19.44 OHMC, except that guest parking need not be provided. If guest parking is provided it shall meet the parking space size and access requirements of OHMC 19.44.110;
 - (c) Any parking provided beneath a permitted residential use shall be enclosed;
 - (d) No more than 50 percent of the gross floor area along pedestrian-oriented streets may be used for residential parking;
- (11) Design Standards.
- (a) Development shall be in accordance with the provisions of the Oak Harbor commercial and industrial design guidelines;
 - (b) Residential development shall have ground level access independent of nonresidential uses from an inside lobby, elevators and/or corridors, from an enclosed interior court, or from other separate access provisions;
 - (c) Nonresidential development along Pioneer Way, between SE City Beach Street and SE Midway Boulevard, shall meet the following standards:
 - (i) Ground-floor, nonretail development shall not comprise more than 50 percent of the lineal street frontage of the lot;
 - (ii) Window areas for nonresidential portions of a building's facades shall not be less than 40 percent or greater than 60 percent of the total facade area;
 - (iii) Conformance with the above standards shall be determined by using the design guideline applicability standards established under OHMC 19.48.040;
 - (d) Residential development in subdistrict CBD-1 or CBD-2 shall be under a planned residential development per Chapter 19.31 OHMC;
 - (e) Nonresidential development with building heights greater than 45 feet, as approved by the design review board, shall provide a minimum of 450 square feet of pedestrian-oriented space (as defined in the Oak Harbor commercial and industrial design guidelines) plus an additional 25 square feet for each vertical foot of building height above 45 feet;
 - (f) All buildings in the CBD greater than three stories must set back upper stories by at least 10 feet.

19.20.325 Conditions governing permitted uses.

All principal uses permitted outright in a CBD, CBD-1, or CBD-2 district shall meet the following conditions:

- (1) All business, service, repair, storage, or merchandise display shall be conducted within a wholly enclosed building, except for the following:
 - (a) Off-street parking and loading;
 - (b) Food and drink service in connection with cafes, restaurants or other eating establishments.
- (2) The use of property must not result in the creation of offensive odors or offensive or harmful quantities of dust, smoke, exhaust fumes, noise or vibration.

- (3) Landscaping and buffers shall be constructed and maintained in accordance with the provisions of Chapter 19.46 OHMC.

19.20.330 Site plan and design review required.

Site plan and design review shall be required as per Chapter 19.48 OHMC.

Section Ten. Sections 19.20.335 through 19.20.368 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Eleven. Sections 19.20.370 through 19.20.408 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are readopted.

Section Twelve. Sections 19.20.410 through 19.20.440 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Thirteen. Sections 19.20.445 through 19.20.595 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Fourteen. Sections 19.20.600 through 19.20.720 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Fifteen. Sections 19.20.725 through 19.20.768 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Sixteen. Sections 19.20.770 through 19.20.805 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Seventeen. Sections 19.20.810 through 19.20.840 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 8 in 2009 are hereby readopted.

Section Eighteen. Chapter 19.44 of the Oak Harbor Municipal Code last amended by Ordinance 1614 section 1 in 2009 is hereby amended to read as follows:

**Chapter 19.44
PARKING**

Sections:

- 19.44.010 Purpose and intent.
- 19.44.020 General requirements.
- 19.44.030 Bicycle parking.
- 19.44.040 Location.
- 19.44.050 Expansion, enlargement and occupancy.
- 19.44.060 Mixed occupancies.
- 19.44.070 Uses not specified.
- 19.44.080 Joint use.
- 19.44.090 Conditions required for joint use.

- 19.44.100 Minimum parking space standards.
- 19.44.105 Maximum parking space standards.
- 19.44.110 Parking space size and access requirements.
- 19.44.120 Car and van pool parking.
- 19.44.130 Plans.
- 19.44.140 Loading areas.

19.44.010 Purpose and intent.

Provisions of this chapter are of general application to several of the districts described in Chapter 19.20 OHMC, except as noted in the CBD central business district. It is the intent of this chapter to set down provisions for off-street parking and loading areas to prevent congestion in the streets, promote and protect property values and to provide for the health, safety and welfare of the citizenry.

19.44.020 General requirements.

Parking areas, public or private, are permitted as accessory uses, operating in conjunction with permitted uses, unless otherwise permitted by this title. Each off-street parking space shall have a net area of not less than 180 square feet, exclusive of driveways or aisles, and shall be of usable shape and condition. To determine on a gross area basis, 270 square feet shall be allowed per vehicle. If the required parking space for a one-family or two-family dwelling is not provided in a covered garage, then such space shall be not less than 180 square feet. The circulation pattern of all off-street parking areas excepting driveways serving single-family or two-family dwellings shall not have as a part of the pattern any parking or parking maneuvers on a public sidewalk, highway, road, street or alley.

19.44.030 Bicycle parking.

Bicycle racks shall be provided for all nonresidential and multifamily uses. Such racks shall provide space for a minimum of one bicycle for each 10 parking spaces required to a maximum of 10 bicycle spaces.

19.44.040 Location.

Off-street parking facilities shall be located and operated in conjunction with the permitted use as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:

- (1) For one-family and two-family dwellings, on the same lot with the building they are required to serve;
- (2) For multiple dwellings, not more than 100 feet;
- (3) For hospitals, skilled nursing facilities, assisted living facilities, rooming houses and boarding houses, fraternity and sorority houses, not more than 300 feet;
- (4) For uses other than those specified above, not more than 500 feet;
- (5) Parking lots for passenger automobiles only shall be allowed when such parking lots are for the purpose of providing the off-street parking required by this title and are located and improved in accordance with this chapter, except that when any such parking lot is to serve a use first permitted in a less restrictive zone than the

zone in which the parking lot is to be located, such parking lot may be allowed only by a variance granted by the hearing examiner after a public hearing and the finding that such parking lot will not be unduly detrimental to surrounding properties; provided, that additional landscaping or fencing as directed by the hearing examiner to visually screen parked cars from all residential properties in the vicinity shall be provided as conditions precedent to the granting of such variance; and provided, that at least 40 lineal feet of the boundary of such parking lot adjoins a less restrictive zone or is separated therefrom only by the width of an alley or street. Such parking lots shall not extend beyond said less restrictive zone more than 150 feet into the more restrictive zone in which the parking lot is to be located. No such parking lots shall be allowed for the purpose of serving nonconforming uses.

19.44.050 Expansion, enlargement and occupancy.

All new or substantially altered uses or structures shall be provided with special purpose off-street parking facilities as required by this chapter. No application for a building permit or change of occupancy for a new or substantially altered structure or improvement shall be approved unless there is included with such improvement or use a plot plan showing the required special off-street parking as required in this chapter. Wherever any building is enlarged in height or in ground coverage, off-street parking shall be provided for said expansion or enlargement in accordance with the requirements of the schedule; provided, however, that no parking space need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement is less than 10 percent of the parking spaces specified in the schedule for the building.

19.44.060 Mixed occupancies.

In the case of mixed uses, the total requirements for the various uses shall be computed separately. Off-street parking facilities for one use shall not be considered as specified for joint use.

19.44.070 Uses not specified.

In the case of uses not specifically mentioned in sections below, the requirements for off-street parking facilities shall be determined by the planning director. Such determination shall be based upon the requirements for the most comparable use listed.

19.44.080 Joint use.

Joint use of parking facilities is encouraged, where appropriate. The director, upon application, may authorize the joint use of parking facilities for the following uses or activities under conditions specified:

- (1) Up to 50 percent of the parking facilities required by this chapter for primarily nighttime uses such as theaters, bowling alleys, bars, restaurants and related uses may be supplied by certain other types of buildings or uses herein referred to as daytime uses such as banks, offices, retail and personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses;

- (2) Up to 50 percent of the parking facilities required by this chapter for primarily daytime uses may be supplied by primarily nighttime uses;
- (3) Up to 100 percent of the parking facilities required by this chapter for a church, or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking facilities provided by uses primarily of a daytime nature.

19.44.090 Conditions required for joint use.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities in addition to which:

- (1) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed;
- (2) The applicant shall present a properly drawn legal instrument to be recorded with the Island County auditor, executed by the parties concerned for joint use of off-street parking facilities and approved as to form and manner of execution by the city attorney, to the hearing examiner upon application, such instrument to be filed with the building official upon approval of the hearing officer.

19.44.100 Minimum parking space standards.

Use	Required Parking
Residential, single-family	Two per dwelling
Residential, duplex	Two per dwelling
Residential, multiple	One and one-half per dwelling unit
Three or more bedroom dwelling unit	Two per three or more bedroom dwelling unit. In addition, multifamily projects with eight or more units shall provide one visitor parking space for each eight units.
Banks	One per 400 square feet of gross floor area, plus employee parking
<u>Bed and breakfast inns and rooms</u>	<u>Two for primary resident or on-site manager plus one for each guest room</u>
Bowling alleys	Four per alley, plus employee parking
Churches, auditoriums and similar enclosed places of assembly	One per four seats and/or one per 30 square feet of assembly space without fixed seats
Skilled nursing facilities	One per five beds, plus owner and employee parking
College	One space per 200 square feet of classroom space
Assisted living facilities	Minimum of 0.8 spaces per unit, with a maximum of one and one-half spaces per unit
Food and beverage places with sales and consumption on premises	One per three seats, plus one space for every two employees on the largest shift
Furniture, appliance, hardware, clothing and shoe	One per 600 square feet gross floor area, plus

Use	Required Parking
stores, personal service stores such as beauty parlors, barbershops and physical fitness centers	employee parking
Gasoline stations	15 spaces, including pump and service area
Hospital	One per two beds, excluding bassinets
Hotels, motor hotels	One per sleeping room, plus owner and employee parking
Libraries and museums	One per 200 square feet gross floor area, plus employee parking
Manufacturing uses, research testing and processing, assembling, all industries	One per each two employees on maximum shift and not less than one per each 800 square feet gross floor area
Mortuaries	One per 100 square feet of gross floor area used for assembly or one per five seats, plus employee parking
Motels	One per unit, plus owner and employee parking
Motor vehicle, machinery, plumbing, heating, ventilating, building supplies stores and services	One per 1,000 square feet floor area, plus employee parking
Offices, medical and dental (including optometrists)	One per 200 gross square feet of floor area, plus employee parking
Offices not providing customer services	One per each employee
Offices of opticians, chiropractors and others licensed by the state of Washington to practice the healing arts	One per 400 square feet of gross floor area, plus employee parking
Offices, business and professional (other than medical and dental) with on-site customer service	One per 400 square feet of gross floor area, plus employee parking
Rooming houses, similar uses	One per dwelling unit
Schools, elementary and junior high	One per each employee and faculty member, plus 15 visitor parking
Schools, high	One per each 10 students, plus one per each employee and faculty member, plus 15 visitor parking
Shopping centers with over 30,000 square feet of gross floor area	Four and one-half spaces per 1,000 square feet gross floor area, but not to exceed five spaces per 1,000 square feet of gross floor area
Stadiums, sport arenas and similar open assemblies	One per four seats and/or one each 30 square feet of assembly space without fixed seats
Theaters	One per four seats, plus employee parking
Warehouses, storage and wholesale business	One per each employee, plus two additional spaces
Other retail	One per 300 square feet gross floor area, plus employee parking

19.44.105 Maximum parking space standards.

Impervious parking areas generate stormwater runoff, with negative impacts to water quality, wildlife habitat, and municipal budgets. The following maximum parking space standards are designed to limit the total impervious area resulting from large, off-street parking lots, reducing negative water quality impacts, while at the same time providing sufficient parking for land uses within Oak Harbor.

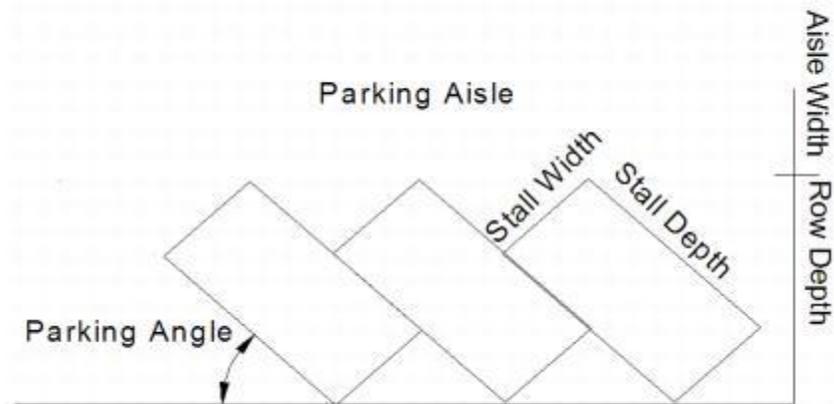
- (1) Applicability. The standards in this section shall apply to all new development and redevelopment which meets both of the following criteria:
 - (a) All new development, as well as building remodels, site retrofits, and redevelopment which exceeds 60 percent of the total assessed value for the property; and
 - (b) Off-street parking lots with 100 or more spaces proposed or required.
- (2) Pervious Requirement. Each additional parking space over 150 percent of the minimum number of required spaces must have a pervious surface approved by the city engineer wherever soil conditions make infiltration feasible. The pervious area may be provided at any location within the parking lot, including drive aisles, as long as its size is equivalent to the area of parking stalls exceeding 150 percent.
 - (a) Other LID techniques may be proposed in place of the pervious area requirement in subsection (2) of this section, as approved by the city engineer and in compliance with the Low Impact Development Technical Guidance Manual for Puget Sound (current edition).
- (3) In no case shall more than 250 percent of the required minimum number of parking spaces be approved.

19.44.110 Parking space size and access requirements.

- (1) Standard Parking Spaces. All standard parking spaces shall meet the minimum criteria outlined in the table and figure below.
- (2) Compact Parking Spaces. Up to 40 percent of required parking spaces may be provided as compact spaces. The aisle widths required for standard spaces shall be applied to compact spaces. Parking space width, parking space depth and row width shall be as shown in the following table. The minimum parking space depth shall be 16 feet and the minimum parking space width shall be eight feet. Compact parking spaces shall be clearly marked by painting the word “compact” on the parking space(s).

Required Parking Dimensions					
Parking Angle	Stall Width	Stall Depth	Row Depth	Aisle Width (One Way)	Aisle Width (Two Way)
0°	Standard: 9' Compact: 8'	Standard: 23' Compact: 19'	Standard: 9' Compact: 8'	10'	18'
30°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 18' Compact: 15'	12'	20'
40°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	12'	20'
45°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 21' Compact: 17'	12'	20'
50°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	15'	20'
60°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	17'	20'
70°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	20'	20'
80°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	24'	24'
90°	Standard: 9' Compact: 8'	Standard: 20' Compact: 16'	Standard: 20' Compact: 16'	24'	24'

PARKING PLAN LAYOUT



19.44.120 Car and van pool parking.

Any nonresidential development which shall provide priority spacing for car pools and van pools shall be allowed to reduce the total amount of required parking by 1.15 spaces for each priority car pool and van pool space provided.

19.44.130 Plans.

The plan of the proposed parking area shall be submitted to the development services department at the time of the application for the building for which the parking area is required. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping, construction details and other features and appurtenances required. The illustrations provided at the end of this chapter shall serve as a guide and illustrate the minimum requirements for parking stall configurations.

A legal description of the property is required and a parking area designated and recorded.

- (1) Parking areas shall be designed in conformance with the Oak Harbor design guidelines.
- (2) All traffic-control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs, and other developments, shall be installed and maintained as shown on the approved plans. Hard-surfaced parking areas shall use paint or similar devices to delineate car stalls and directional arrows. All driveways, off-street parking areas and public off-street parking areas shall be hard surfaced with a minimum of two inches of asphalt concrete. Alternative surfaces, including low impact development practices, may be allowed in compliance with the LID Technical Guidance Manual for Puget Sound (current edition) or as approved by the city engineer.

- (3) Minimum dimensions of off-street parking areas shall be not less than stated in this chapter.
- (4) Screen all parking lots from view of adjoining residential district or use through use of sight-obscuring fences, earth berms or landscaped planting strips, to a height of not less than six feet.
- (5) At least 15 percent of every parking lot shall be landscaped. In all cases, landscaping shall be distributed throughout the parking area. LID stormwater management facilities are to be incorporated into the required landscaping as much as possible, unless site or soil conditions make LID stormwater management facilities infeasible. Parking lot landscaping shall conform to OHMC 19.46.030(5) with a preference for native species. For computation of required landscape area, allow 30 square feet per parking space. The landscaping shall consist of deciduous or coniferous plant material and may include turf, shrubs and flowers.
- (6) Lighting of areas provided for off-street parking shall be so arranged to not constitute a nuisance or hazard to passing traffic and where said lots share a common boundary with any "R" classified property, the illuminating devices shall be so shaded and directed to play their light away from "R" classified property.
- (7) Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, and repair of traffic control devices, signs, light standards, fences, walls, surfacing material, curbs and railings. Maintenance of LID stormwater management facilities shall be completed in accordance with the LID Technical Guidance Manual for Puget Sound (current edition), the city's public works maintenance standards and an approved operating and maintenance agreement.

19.44.140 Loading areas.

Each off-street loading space shall measure not less than 30 feet by 12 feet and shall have an unobstructed height of 14 feet six inches and shall be made permanently available for such purposes, and shall be hard surfaced, improved and maintained as required by this chapter. Required loading spaces shall be in conformance with the following table:

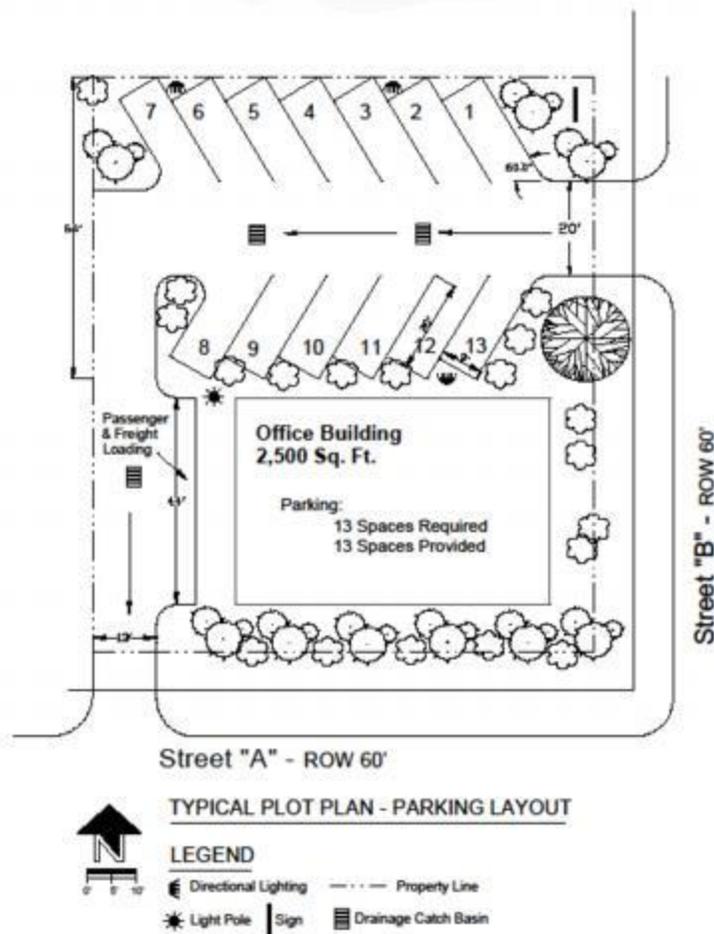
Department stores, freight terminals, industrial or manufacturing establishments, retail or wholesale stores or storage warehouses or any similar use which has or intends to have 10,000 square feet or more shall provide truck loading or unloading berths:

Square feet of aggregate gross floor area	Required number of berths
10,000 to 15,999	1
16,000 to 39,999	2
40,000 to 65,000	3
Each additional 16,000	1 additional

Auditoriums, convention or exhibit halls, sports arenas, hotels, office buildings, restaurants or similar uses which have or intend to have an aggregate gross floor area of 40,000 square feet or more shall provide truck loading or unloading berths:

Square feet of aggregate gross floor area	Required number of berths
40,000 to 59,999	1
60,000 to 160,000	2
Each additional 60,000	1 additional

Area of Parking Lot = 5,504 Sq. Ft.



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

Section Twenty. Effective Date. This Ordinance shall be in full force (5) five days following publication.

PASSED by the City Council this _____ day of _____ 2013.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest: Approved as to Form:

Valerie J. Loffler, City Clerk Grant K. Weed, Interim City Attorney

Introduction:

Adopted:

Published: